


14<sup>th</sup> Dec. 2022


SCANNED  
KFST  
Peshawar


Due to strike of the Bar and Mrs. Rozina Rehman, learned Member (J) being on leave, this matter is adjourned to 02.03.2023 before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.

  
(Fareeha Paul)  
Member(E)

02.03. 2023 Learned counsel for the appellant present. Mr. Ihsanullah, Law Officer alongwith Mr. Umair Azam Khan, Additional Advocate General for the respondents present.

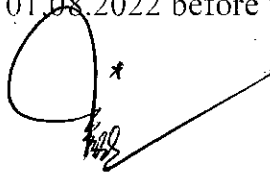
Complete inquiry record has neither been submitted by the appellant nor by the respondents, therefore, representative of the respondents shall positively produce the same on the next date and to come up for arguments on 14.03.2023 before the D.B.

  
(Fareeha Paul)  
Member (E)

  
(Salah-ud-Din)  
Member (J)

16.06.2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present and sought time for production of record mentioned in order sheet dated 25.05.2022. Adjourned. To come up for production of the concerned record as well as arguments on 01.08.2022 before the D.B.



(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

1-8-2022

Proper DB not available the case is  
Adjourned to 1-11-2022

Reader

1st Nov., 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

02. Learned counsel for the appellant requests for adjournment in order to further prepare the brief. Last opportunity is granted. To come up for arguments on 14.12.2022 before the D.B.



(Fareeha Paul)  
Member (E)



(Kalim Arshad Khan)  
Chairman

01.02.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Jehanzaib, Superintendent for the respondents present.

Due to paucity of time arguments could not be heard. To come up for arguments on 25.05.2022 before the D.B.



(Atiq-Ur-Rehman Wazir)  
Member (E)




Chairman

25<sup>th</sup> May, 2022

Miss. Roeeda Khan, Advocate learned counsel for the appellant present. Mr. Muhammad Rashid, DDA for respondents present.

The appeal has been heard. During the hearing when learned Law Officer was asked to show the Tribunal annexures 3,4,5 and all other annexures referred to in the enquiry report placed at page-35 of annexure-G, he sought some time to produce the same. He is directed to submit the same within a week time. To come up for such record and arguments on 16.06.2022 before D.B.



(Fareeha Paul)  
Member(E)



(Kalim Arshad Khan)  
Chairman

24.03.2021

Junior to counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Jehanzeb Superintendent for respondents present.

Written reply on behalf of respondents is still awaited. Request for adjournment was made by respondents; granted but on payment of cost of Rs. 1000/-. To come up for written reply/comments on 31 / 05 / 2021 before S.B.



(Rozina Rehman)  
Member (J)

31.05.2021

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Jehanzaib, Superintendent for the respondents present.

Respondents have furnished reply/comments alongwith cost of Rs. 1000/-. Cost of Rs. 1000/- has been handed over to learned counsel for the appellant and receipt whereof obtained and placed on file. The appeal is assigned to D.B for arguments on 28.09.2021.



Chairman

28.9.21




DB is on Tour case to come up  
For the same on Dated: 1-2-22

X.  
Rander

20.10.2020

The legal fraternity is observing strike today, therefore, learned counsel for appellant is not available today. Mr. Kabirullah Khattak, Additional Advocate General is present.

Neither written reply on behalf of respondents submitted nor any representative on behalf of the respondent-department is present, therefore, notices be issued to them for submission of written reply/comments. File to come up for written reply/comments on 03.12.2020 before S.B.

  
(Muhammad Jamal Khan)  
Member (Judicial)

03.12.2020 Counsel for the appellant and Addl. AG for the respondents present.

Learned AAG is required to contact the respondents and facilitate the submission of requisite reply/comments on next date of hearing positively.

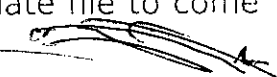
Adjourned to 25.01.2021 before S.B.

  
Chairman

25.01.2021

Counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Jehanzeb, Superintendent, for the respondent are also present.

Written reply on behalf of respondents not submitted. Representative of the department is seeking further time for submission of written reply/comments. Time granted, but as a last chance. Adjourned to 24.03.2021 on which date file to come up for written reply/comments before S.B.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

07.07.2020 Counsel for the appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present.

Written reply was not submitted on behalf of respondents. Learned AAG requested for adjournment in order to submit written reply/comments. Opportunity is granted. To come up for written reply/comments on 31.08.2020 before S.B.

  
Member (J)

31.08.2020 Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Addl. AG for the respondents present.

Written reply/comments not submitted. Representative of the respondent department absent. Respondent department are directed to direct the representative to attend the court and submitted written reply/comments on the next date positively.

Adjourned to 20.10.2020 before S.B.

  
Member (E)

25.02.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Lecturer) has filed the present service appeal against the order dated 29.05.2019 whereby minor penalty of withholding of two increments for two years was imposed upon him. Vide office letter dated 12.09.2019 it was conveyed that departmental appeal filed by the appellant has been rejected.

Submissions made by the learned counsel for the appellant, need consideration. The present service appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 13.04.2020 before S.B.

Appellant Deposited  
Security & Process Fee  
6/3/20

  
Member

13.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 07.07.2020 for the same. To come up for the same as before S.B.


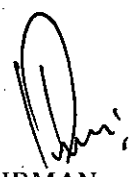


  
Reader

Form- A

FORM OF ORDER SHEET

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

Case No.- 1397/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/10/2019	<p>The appeal of Mr. Ikram Ullah Khan presented today by Roeeđa Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 22/10/19</p>
2-	23/10/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>06/12/19.</u></p> <p> CHAIRMAN</p>
	06.12.2019	<p>Nemo for the appellant.</p> <p>Notices be issued to appellant and his counsel for preliminary hearing on 13.01.2020 before S.B.</p> <p> Chairman</p>
	13.01.2020	<p>Junior to counsel for the appellant present.</p> <p>Requests for adjournment due to general strike of the Bar. Adjourned to 25.02.2020 before S.B.</p> <p> Chairman</p>



**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. 1397/2019

Ikram Ullah  
**VERSUS**


Government of Khyber Pakhtunkhwa and Others

**INDEX**

S#	Description of Documents	Annex	Pages
1.	Grounds of Petition.		1 To 7
2.	Affidavit.		8
3.	Addresses of parties		9
4.	Application for the Condonation of Delay		10
5.	Copy of impugned order dated 29-5-2019	"A"	11
6.	Copy of departmental appeal and rejection order	"B & C"	12 To 18
7.	Wakalat Nama		

(114)  
**APPELLANT**

Through

  
**Roeeda Khan**  
Advocate, High Court  
Peshawar.

Dated: 21/10/2019

①

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2019

Mr. Ikram Ullah (Lecturer in BPS-17 Pashto,  
Government Degree College, Kalya District Orakzai)

*....Appellant*

***VERSUS***

1. Government of Khyber Pakhtunkhwa, through  
Chief Secretary, Civil Secretariat Peshawar.
2. The Secretary, Higher Education Khyber  
Pakhtunkhwa, Peshawar.
3. The Director, Higher Education Department,  
Peshawar.
4. The Principal, Government Degree College, Khan  
Kohi, Nizampur, District Nowshera.

*....Respondents*

**APPEAL U/S-4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICES TRIBUNAL**  
**ACT 1974 AGAINST THE IMPUGNED**  
**ORDER DATED 29/05/2019 WHEREBY**  
**THE MINOR PUNISHMENT OF**  
**WITHHOLDING OF TWO INCREMENTS**  
**FRO TWO YEARS HAS BEEN GRANTED**  
**TO THE APPELLANT BY THE**

(2)

RESPONDENT DEPARTMENT AND  
AGAINST WHICH THE DEPARTMENTAL  
APPEAL DATED 26-06-2019 HAS BEEN  
REJECTED ON 12-09-2019  
COMMUNICATED TO APPELLANT ON  
16-10-2019 ON NOW GOOD GROUNDS.

PRAYER:-

ON ACCEPTANCE OF THIS SERVICE  
APPEAL THE IMPUGNED ORDER  
DATED 29-05-2019 and 12-09-2019 may  
kindly be set aside AND THE APPELLANT  
MAY KINDLY BE ORDER TO BE  
RESTORED HIS two INCREMENTS  
ALONGWITH ALL BACK BENEFITS.

Respectfully Sheweth.

1. That the Appellant is initially appointed as Lecturer on contract base on 28/11/2005 later on service of the appellant has been regularized in the year 2009 by the Respondent department.
2. That the appellant performed his duty with hard work and full devotion and no complaint has ever been made against the appellant.

3. That the appellant was posted in Government Degree College on 24/07/2015 the attitude of the principal in general towards his staff members has been very inhuman and cruel.
4. That the appellant has been transferred from Government degree college Khan Kohi Nizam pur District Nowshera and the service of the appellant were placed in the disposal of FATA secretariat vide order dated 07/02/2017. However the post remained vacant.
5. That the appellant filed a departmental appeal against the premature and illegal transfer to the concern authority and after that the appellant filed service appeal No.508/16 before the Hon'ble Service Tribunal Peshawar.
6. That during the preliminary hearing the impugned transfer order is also has been suspended by the Hon'ble Tribunal.
7. That although the impugned transfer order has been suspended by the court but the Respondent department not allow the appellant to perform his duty on his

post and started inquiry against the appellant committed contempt of court on non compliance the order of this Hon'ble court.

8. That the Respondent department issued charge sheet statement of allegation and final Show Cause Notice which has been properly replied by the appellant where the appellant denied all the allegations leveled against him.
9. That even then I in compliance, in the best interest of public, relinquished the charge from the post of lecturer at Government College Nowshera on 07/09/2018 and have recently taken charge of my assignment at Government Degree College Kalaya District Orakzai.
10. That despite the above mentioned facts the Respondent department issued an illegal order on 29/05/2019 whereby the minor punishment of withholding of two increments of two years has been awarded to the appellant. (Copy of impugned order dated 29-05-2019 is annexure A)

(5)

11. That the appellant submitted department appeal on 26-06-2019 against the impugned order dated 29-5-2019 which has been rejected on 12-09-2019 communicated to the appellant on 16-10-2019. (copy of departmental appeal and rejection order are annex as annexure B&C).

**GROUNDS:-**

- A. That the impugned orders are illegal and void-ab-initio.
- B. That mandatory provisions of law and Rules have badly been violated by the Respondents and the appellant has not been treated according to law and Rules and the appellant did nothing that amounts to misconduct.
- C. That no charge sheet and show cause notice were served upon the appellant.

(6)

- D. That ex parte action has been taken against the appellant and he has been condemned unheard.
- E. That no inquiry was conducted to find out the true facts and circumstances.
- F. That the impugned order is defective as per FR 29 and as such not maintainable in the eyes of law.
- G. That the impugned orders are not speaking orders and thus not tenable in the eyes of law.
- H. That the appellant was not provided the opportunity of personal hearing and the impugned order is defective as well.
- I. That the punishment is harsh being in contrary to the principal of proportionality of sentence.

7

J. That any other ground not raised here may graciously be allowed to be raised at the time full of arguments on the instant service appeal.

*It is therefore, most humbly prayed that the appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.*

*Any other relief not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.*

Dated: 21/10/2019

(SK)

APPELLANT

Through

(Roeeda Khan)

Roeeda Khan

Advocate, High Court  
Peshawar.

NOTE:-

As per information furnished by my client, no such like appeal for the same petitioner, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.

(Roeeda Khan)

Advocate.



(8)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2019

Mr. Ikram Ullah

**VERSUS**

Government of Khyber Pakhtunkhwa, and others

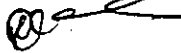
**AFFIDAVIT**

I, **Mr. Ikram Ullah** (Lecturer in BPS-17 Pashto, Government Degree College, Kalya District Orakzai), do hereby solemnly affirm and declare that all the contents of the **instant appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.

(IK)

**DEPONENT**

*Identified by:*



**Roeeda Khan**  
Advocate High Court  
Peshawar.

(9)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2019

Mr. Ikram Ullah

**VERSUS**

Government of Khyber Pakhtunkhwa, and others

**ADDRESSES OF PARTIES**

**PETITIONER.**

Mr. Ikram Ullah (Lecturer in BPS-17 Pashto,  
Government Degree College, Kalya District Orakzai)

**ADDRESSES OF RESPONDENTS**

1. Government of Khyber Pakhtunkhwa, through  
Chief Secretary, Civil Secretariat Peshawar.
2. The Secretary, Higher Education Khyber  
Pakhtunkhwa, Peshawar.
3. The Director, Higher Education Department,  
Peshawar.
4. The Principal, Government Degree College, Khan  
Kohi, Nizampur, District Nowshera.

...Respondents

**APPELLANT**

Through

  
**Roeda Khan**

Advocate, High Court  
Peshawar.

**Dated: 21/10/2019**

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_/2019

Ikram Ullah

**VERSUS**

Government of Khyber Pakhtunkhwa and Others

**APPLICATION FOR CONDONATION OF DELAY (IF**  
**ANY)**

***Respectfully Sheweth,***

Petitioner submits as under:

1. That the above mentioned appeal is filing before this Hon'ble Tribunal in which no date is fixed for hearing so far.
2. That the ground of the appeal be consider as integral part of this application.
3. That the final impugned order dated 12/09/2019 has been communicated to the appellant on 16/10/2019.
4. That there are many judgment of the superior court that the cases should be decided on merit rather than on technically.

It is, therefore, requested that the limitation period (if any) may kindly be condone in the interest of justice.

***APPELLANT***

Through

**Roeeda Khan**

Advocate, High Court

Peshawar.

**Dated: 21/10/2019**

AWM 'A' 11



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT  
CIVIL SECRETARIAT

Dated Peshawar the 29/05/2019

NOTIFICATION

NO.SQC-I/HE/1-2/Summary for CM/2016/Ikram Ullah. WHEREAS Mr. Ikram Ullah, Lecturer (BPS-17) of Pashto, Government Degree College, Kalaya, Orakzai was proceeded under the Khyber Pakhtunkhwa, Government Servants (*Efficiency & Discipline*) Rules 2011, for the charges mentioned in the Charge Sheet and Statement of Allegations.

Sr	Name & Designation	Penalty Imposed
1	Mr. Ikram Ullah, Lecturer (BPS-17) of Pashto, Government Degree College, Kalaya, Orakzai.	"Withholding of two increments for two years"

2. AND WHEREAS show cause was served upon the accused officer

3. AND WHEREAS the Inquiry officer after having examined the charges, evidence on record and explanation of accused officer, submitted report.

4. NOW THEREFORE, the Chief Minister, Khyber Pakhtunkhwa being Competent Authority afforded an opportunity of personal hearing to the accused officer with Mr. Mukhtiar Ahmad, Secretary to Government of Khyber Pakhtunkhwa, Information & PRs Department, while exercising the powers conferred upon him under Rule-4 (1) (a) of the Khyber Pakhtunkhwa, Civil Servants (*Appointment, Promotion & Transfer*) Rules-1989, has been pleased to impose and confirm minor penalty of "Withholding of two increments for two years" upon the accused with immediate effect.

SECRETARY  
HIGHER EDUCATION DEPARTMENT

ENDST: NO. & DATE EVEN.

Copy forwarded to the

1. Director, Higher Education Khyber Pakhtunkhwa, Peshawar.
2. Principal, Government Degree College, Kalaya, Orakzai.
3. District Accounts Officer, District Orakzai Merged Area.
4. Mr. Ikram Ullah, Lecturer (BPS-17) of Pashto, Government Degree College, Kalaya, Orakzai.
5. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Information & PRs Department.
6. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Higher Education Department.
7. Master File.

(RIAZ)

SECTION OFFICER (COLLEGES-I)

Am B<sup>3</sup>

(12)

To,

Chief Secretary,  
Higher Education Department,  
Peshawar.

Subject:

DEPARTMENTAL APPEAL FOR  
SETTING ASIDE THE ORDER DATED  
29/05/2019 PASSED AGAINST THE  
APPELLANT WHEREBY THE MINOR  
PUNISHMENT OF WITHHOLDING OF  
TWO INCREMENTS FOR TWO YEARS  
HAS BEEN AWARDED TO THE  
APPELLANT WITHOUT PROVIDING  
OPPORTUNITY OF DEFENSE TO THE  
APPELLANT IS ILLEGAL AND AGAINST  
THE LAW

Respected Sir,

The appellant submits as under.

1. That the Appellant is initially appointed as Lecturer on contract base on 28/11/2005 later on service of the appellant has been regularized in the year 2009 by the Respondent department.
2. That the appellant performed his duty with hard work and full devotion and no complaint has ever been made against the appellant.
3. That the appellant was posted in Government Degree College on 24/07/2015 the attitude of

137

the principal in general towards his staff members has been very inhuman and cruel.

4. That the appellant has been transferred from Government degree college Khan Kohi Nizam pur District Nowshera and the service of the appellant were placed in the disposal of FATA secretariat vide order dated 07/02/2017. However the post remained vacant.
5. That the appellant filed a departmental appeal against the premature and illegal transfer to the concern authority and after that the appellant filed service appeal No.508/16 before the Hon'ble Service Tribunal Peshawar.
6. That during the preliminary hearing the impugned transfer order is also been suspended by the Hon'ble Tribunal.
7. That although the impugned transfer order has been suspended by the court but the Respondent department not allow the appellant to perform his duty on his post and started inquiry against the appellant committed contempt of court on non compliance the order of this Hon'ble court.

- (u)
8. That the Respondent department issued charge sheet statement of allegation and final Show Cause Notice which has been properly replied by the appellant where the appellant denied all the allegations leveled against him.
  9. That even then I in compliance, in the best interest of public, relinquished the charge from the post of lecturer at Government College Nowshera on 07/09/2018 and have recently taken charge of my assignment at Government Degree College Kalaya District Orakzai.
  10. That despite the above mentioned facts the Respondent department issued an illegal order on 29/05/2019 whereby the minor punishment of withholding of two increments of two years has been awarded to the appellant.

It is therefore, most humbly prayed that on acceptance of this departmental appeal the order dated 29/05/2019 passed against the appellant may kindly be set aside.

Appellant

Mr. Ikram Ullah,  
Lecturer of Pushto (BPS-17),  
High Education department  
Khyber Pakhtunkhwa  
Peshawar.

Dated: 26/06/2019

APM (C) WY

MOST IMMEDIATE



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT  
CIVIL SECRETARIAT

NO. SORC/11/HE/1-5/2014-16 Sher Bahadar Khan Vol-II  
Dated Peshawar the 12/09/2019

To  
The Director,  
Higher Education Khyber Pakhtunkhwa  
Peshawar,

Subject: APPEAL AGAINST IMPOSITION OF MINOR PENALTY OF  
"WITHHOLDING OF TWO INCREMENTS FOR 2 YEARS"

I am directed to refer to the subject noted above and to inform that the Chief Minister, Khyber Pakhtunkhwa being appellate authority has rejected the appeals of Mr. Sher Bahadar, Professor (BPS-20) of Statistics, Government Postgraduate College, Landi Kotal and Mr. Ikram Ullah, Lecturer (BPS-17) of Pashto, Government Degree College, Kalaya, Orakzai and retained the penalty "Withholding of two increments for 2 years" already imposed.

(RIAZI)  
SECTION OFFICER (COLLEGES-I)

ENDST: NO. & DATE EVEN.

Copy forwarded to the:

1. Principal, Government Government Postgraduate College, Landi Kotal
  2. Principal, Government Degree College, Kalaya, Orakzai
  3. Mr. Sher Bahadar, Professor (BPS-20) of Statistics, Government Postgraduate College, Landi Kotal w/r to his Appeal dated 03.07.2019
  4. Mr. Ikram Ullah, Lecturer (BPS-17) of Pashto, Government Degree College, Kalaya, Orakzai w/r to his Appeal dated 26.06.2019.
- PS to Secretary to Govt. of Khyber Pakhtunkhwa, Higher Education Department  
Master File.

SECTION OFFICER (COLLEGES-I)



**BETTER COPY**

Government of Khyber Pkhtukhwa  
Higher Education, Archives & Libraries Department  
Civil secretariat

No SO(C-I)/HE/1-5/2014-16 Sher Bahadur Khan/Vol-II  
Dated Peshawar the 12-09-2019

To,

The Director  
Higher education khyber pakhtunkhwa  
Peshawar

Subject:- **APPEAL AGAINST IMPOSITION OF MINOR PENALTY OF WITHHOLDING OF TWO INCREMENTS FOR 2 YEARS**

I am directed to refer to the subject noted above and to inform that the Chief Minister, Khyber Pakhtunkhwa being appellate authority has rejected the appeal of Mr. Sher Bahadur, Professor (BPS-20) of Statics. Government Postgraduate College, Landi Kotal and Mr. Ikram Ullah Lecturer (BPS-17) of Pashto, government degree College Kalaya, Orakzai and retained the penalty "withholding of two increments for two years already imposed.

RIAZ

SECTION OFFICER COLLEGES

Endst: No. & Date Even.

Copy Forwarded to the

1. Principal Government Postgraduate College, Landi Kotal.
2. Principal Government Degree College, kalaya Orakzai,
3. Mr. Sher Bahadur, Professor (BPS-20) of statistics. Government postgraduate college Landi Kotal W/r to his appeal dated 3-7-2019
4. Mr. Ikram Ullah, Lecturer (BPS-17) of Pashto, Government Degree College, Kalaya, Orakzai, W/r to his appeal dated 26-06-2019
5. PS to secretary to Govt. of Khyber Pakhtunkhwa Higher Education Department
6. Master File.

SECTION OFFICER (COLLEGES)

بعد الت مناب ح سندھ



2019ء منجانب

انجمن المسلمین بنام

مورخہ

مقدمہ

دعویٰ

جرم

## باعث تحریر آنکد

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام کے لیے روایت کے اندر

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر خلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے

اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے

سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں

گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سند ہے۔

2019ء

ماہ اکتوبر

21

المرقوم

العہد گاہ العہد

کے لئے منظور ہے۔

مقام

انور

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

**S.A 1397/2019**

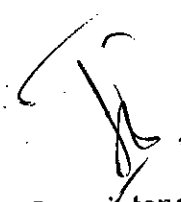
**Mr. Ikram Ullah** ..... Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa  
Through Secretary, Higher Education Department,  
Peshawar & Others ..... Respondents

**INDEX**

<b>S.No</b>	<b>Description of documents</b>	<b>Annexure</b>	<b>Page No.</b>
1.	Parawise comments		1-3
2.	Affidavit		4
3.	Fact Finding Inquiry	A	5-13
4.	Explanations	B	14-19
5.	Notification dated 07.02.2017	B1	20
6.	Judgment dated: 04-11-2019 in Service Appeal # 512/2017	C	21-24
7.	Service Tribunal Order dated: 20-06-2017 in Service Appeal # 512/2017	D	25-26
8.	Service Tribunal Orders in SA # 512/2017	E	27-30
9.	Show Cause Notice	F	31-32
10	Inquiry Report	G	33-37
11	Notification dated: 29-05-2019	H	38
12	Letter dated: 05-04-2019	I	39

  
**Superintendent**  
Respondents Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

①

**BEFORE THE HONOURABLE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL**  
**PESHAWAR**

SA # 1397/19

Ikram Ullah.....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa  
Through Secretary, Higher Education  
& others.....Respondents

**SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 to 4**

**Respectfully Sheweth:-**

**Preliminary Objections:-**

1. That, the appellant has neither got cause of action nor locus standi to file the instant Service Appeal.
2. That the appellant has not come to the Honourable Tribunal with clean hands.
3. That the appellant is estopped by his own conduct to file the instant Service Appeal.
4. That, the instant Service Appeal is hit by doctrine of laches.
5. That the instant Service Appeal is badly time-barred.

**Facts: -**

- 1- Pertains to Record.
- 2- Incorrect. That the appellant was working with utter dissatisfaction of the High-Ups.
- 3- Correct to the extent that the appellant was transferred to Govt. Degree College, Khankohi Nizampur, rest of the Para is subject to proof. That the appellant was involved in different conspiracies against the principal and also violated rules. An Inquiry was also conducted wherein allegation against the Principal was not proved. (**Annex-A**)
- 4- Correct. That the appellant was habitual of absenteeism, instigated students against principal, late coming, not attending the college meetings, not marking biometric attendance, hence, overall performance and behaviour of the appellant was not satisfactory and was intentionally involved in activities to disturb the atmosphere of the college and created problems for college administrations. Different inquiries were also conducted but he did not mend his ways and at last his services were placed at the disposed of FATA Secretariat vide order dated: 07-02-2017 (**Annex-B**) and was relived in absentia by respondent No. 4 on 09-02-2017.

- (2)
- 5- Incorrect. That the appellant filed service appeal No. 512/17 titled "Ikram Ullah vs Govt. of Khyber Pakhtunkhwa" against his transfer order dated: 07-12-2017 which was dismissed by Hon'ble Service Tribunal vide order dated: 04-11-2019 wherein it was clearly mentioned that no malicious and discriminatory attitude are found on behalf of the department against the appellant. **(Annex-C)**
  - 6- Correct to the extent that this Hon'ble Tribunal during preliminary hearing ordered to maintain status quo vide order dated: 20-06-2017 **(Annex-D)**. It is pertinent to mention here that the appellant did misconduct by not acting upon the transfer order for almost 04 months.
  - 7- Incorrect. That the order of status quo stretched on a period w.e.f 20-06-2017 to 30-11-2017 and the court did not extend the same as is evident from the court orders **(Annex-E)** but even then the appellant was reluctant to comply the Govt. orders and hence did misconduct and an inquiry was initiated against the appellant.
  - 8- Correct to the extent that Charge Sheet, Statement of allegations and Show Cause Notice was served upon the appellant. **(Annex-F)**
  - 9- Incorrect. It is pertinent to mention here that SA# 512/17 titled "Ikram Ullah vs Govt. of Khyber Pakhtunkhwa" was dismissed by this Hon'ble Tribunal vide order dated: 04-11-2019.
  - 10- Incorrect. That proper inquiry was conducted and the charges against the appellant were proved **(Annex-G)** and after fulfilment of all codal formalities the competent authority imposed minor penalty of withholding of two increments. **(Annex-H)**
  - 11- Correct to the extent that departmental appeal of the appellant has been regretted, rest of the Para pertains to record.

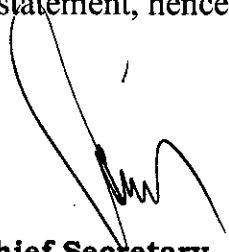
**Grounds: -**

- A. Incorrect. That the orders are in accordance with Law.
- B. Incorrect. That the appellant has been treated within four corners of Law.
- C. Incorrect. The appellant is trying to mislead the Hon'ble Tribunal by suppressing material facts under the carpet. Proper Charge Sheet, Statement of Allegations, and Show Cause Notice were served upon the appellant under Efficiency and Discipline, Rules 2011 as the appellant himself accepted this very fact in Para 08 of the facts of the instant service appeal.
- D. Denied as drafted. As already explained in the preceding Para that the appellant himself accepted that all steps of inquiry were carried out. That the instant service appeal is liable to be dismissed on this very point that the appellant is lying and trying to mislead the Tribunal.

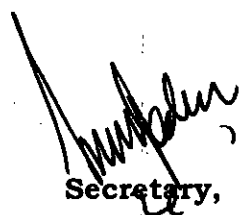
- E. Incorrect. As already explained in preceding paras.
- F. Incorrect. As already explained in preceding paras.
- G. Incorrect. That the impugned orders are passed according follow and rules.
- H. Incorrect. That the appellant was provided full opportunity of defence in the presence of departmental nominee of the department both in written & oral on 11-04-2019 but he could not rebut the charges. (Annex-I)
- I. Incorrect. As already explained in preceding paras.
- J. That the respondents may be allowed to raise additional grounds at the time of arguments.

**Prayers:-**

It is, therefore, humbly prayed that the instant Service Appeal is based on mis-conception/mis-statement, hence may graciously be dismissed with appropriate cost.



**Chief Secretary,**  
Govt: of Khyber Pakhtunkhwa  
Respondent No. 01



**Secretary,**  
Higher Education, Archives  
& Library Department  
Respondent No. 02



**Director**  
Higher Education Department  
Respondent No. 03



**Principal**  
Govt. Degree College,  
Khan Kohi Nizampur, Nowhsera  
Respondent No. 4

**PRINCIPAL**  
**GOVT DEGREE COLLEGE**  
**KHAN KOHI**

(4)

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

**S.A 1397/2019**

**Mr. Ikram Ullah** ..... Appellant


**Versus**

Govt. of Khyber Pakhtunkhwa  
Through Secretary, Higher Education Department,  
Peshawar & Others ..... Respondents

**AFFIDAVIT**

I, Jehanzeb Khan Superintendent (Litigation) Higher Education Department do hereby declare and affirm on oath that the contents of Para Wise Comments are correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

Identified by:


  
**Superintendent** Deponent  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

Annex-A

169

**FACT FINDING INQUIRY REPORT ON  
COMPLAINTS AGAINST SHER BAHADAR KHAN  
PRINCIPAL GOVERNMENT DEGREE COLLEGE  
KHAN KHOI (NIZAMPUR, NOWSHERA)**

**ATTESTED**

  
Superintendent  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

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put up

28/7/17

**Inquiry Officers:**

- i) Prof: Muhammad Nawaz, Principal, Govt: Degree College Khanpur
- ii) Mr. Azhar Hussain Shah, Asstt Prof: Govt: Degree College Khanpur





6

168

**FACT FINDING INQUIRY REPORT ON**  
**COMPLAINTS AGAINST SHER BAHADAR KHAN**  
**PRINCIPAL GOVERNMENT DEGREE COLLEGE KHAN KHOI**  
**(NIZAMPUR, NOWSHERA)**

**Reference:**

Two letters of same subject received from the Director of Higher Education, KP Peshawar regarding complaints against prof: Sher Bahadar principal GDC Khan Khoi, Nizampur bearing numbers and dates as follows:

- i) 2751/CA-II/Estt: Branch/A-12/Sher Bahadar/Stats dated 01/02/2017 and
- ii) 3378/CA-II/Estt: Branch/A-12/Sher Bahadar/Stats dated 07/02/2017.

p-146

p-152

**Introduction:**

The first letter relates to No. 34/5/3747/(CVC)NAB/(KP)2263, dated 29.07.2016 from Deputy Director (Coordination) complaints verification cell, National Accountability Bureau, Khyber Pakhtunkhwa received in DIII office through SO(Colleges-I), Govt: of KP, Higher Education Deptt: Peshawar.

The second letter relates to letter No. SO (College-I)/III/1-2/complaint/Principal GDC, Khan Kohi/2017/2070, dated 26/01/2017. Both the letters received on 15/02/2017. So, the inquiry conducted on the basis of both the complaints by taking Interviews and written statements.

The first letter consisted of the pages, on different allegations briefed as

- i) Pages 205-206, an anonymous application (along with two office Orders of fines) to DG NAB, KP about corruptions of Prof: Sher Bahadar Principal, GDC Khan Khoi, Nizampur.
- ii) Page 98 of 110 with an enclosure of two pages application (page 232 & 236) of students regarding behavior of Principal.
- iii) Page 235(1-2) an application of Mr, Ikram Ullah lecturer in Pashto.
- iv) Page 221, an application by Prof: Abid Hussain of Statistics and Mr. Ikram Ullah lect. in Pashto.
- v) Page 328, an application of Mian Ikram ullah lect. in Pashto.

The second letter refers to page 147 of 147 with an enclosure of 05 pages regarding an incident of quarrel between principal and Mr. Ikram Ullah, Abid Hussain and Qazi Shehzad of Biology.

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**Superintendent**  
 Directorate of Higher Education  
 Khyber Pakhtunkhwa Peshawar

129  
16  
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**Inquiry Proceedings:**

The inquiry committee contacted to Prof: Sher Bahadar telephonically & informed him about the visit of undersigned on 21/02/2017. The inquiry committee arranged to visit the college on specified date and tried to probe into the allegations leveled on the principal GDC Khan Khoi.


**I. Inquiry No. 2751/CA-II/Estt: Branch/A-12/Sher Bahadar/Statistics**

Probing into the facts behind anonymous application written to Mr. Saleem Shahzad Director General NAB, KP. The principal Sher Bahadar and the public representatives were contacted and inquired about the irregularities pointed out in the application. It is worth mentioning that on the same application an inquiry has already been conducted by Prof: Fazal ur Rehman and Mr. Muhammad Hayat Deputy Secretary Higher Education Deptt. The difference is that in that inquiry, fake names of persons who had no relation with the college/students were written while this one is anonymous. However, the undersigned met with some public representatives. They flatly denied the charges of corruption on the principal. Their statement is annexed as, annexure A(02 pages).

Other charges are discussed one by one as follows:

1. The Principal was inquired about his post; he showed a notification by the Govt. for his personal up gradation of the post i.e. the post will be automatically downgraded with the relieving of Prof: Sher Bahadar. The DAO Nowshera makes payments according to the Govt: orders. Annexure B (03 pages).
2. The Principal, Sher Bahadar informed that prior to his arrival in that college, the transformer of the college was stolen by some thieves which is still untraced. He personally requested to the local nobilities to help the College Administration to install the Electric Transformer so that the students could study with quite peace of mind having light, cool air of fans and water. One of the philanthropists Mr. Ghaffar Khattak personally deposited a sum of Rs. 275,000/- with WAPDA for provision of a Transformer to the College. In this way he made the college tube well functional and the college buildings enlightened. Same was confirmed by the local representatives (annex A). On 20/11/2015 he arranged the parent day function in which the administration of Askri cement was also invited. The Manager of Askri Cement impressed from the performance of students and announced a prize of Rs. 20,000/- for the students and handed over a cheque of above amount. This cheque was deposited by Prof: Abid Hussain in the college account.

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**Superintendent**  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar


Other than these, no donation was received by the Principal nor given by any other organization.

- 3. The Principal accepted that he had lived for about one month in the two room accommodation constructed at the remote corner of the college, whereas, now-a-days he stays off and on for the night whenever remain busy in college affairs in the chowkidar's room constructed over the main building of the college. Furthermore, the light system of the chowkidar's room is connected with the solar system of the college so no payment of electricity bill is involved.
- 4. The Principal denied of renting out the college HIACE on marriages. The allegation is false and baseless. This question was also asked from the staff of the college who also negated. The local public representatives also negated such activities (annex. A).
- 5. The Principal accepted that the barren and uneven part of the college land was given to a local villager during 2014, just to level it and make it cultivable. The villager after leveling cultivated it for wheat from which the total output was about 2-3 mounds. After that the same area was converted to a flower garden and some other plants have been planted on that area.

6. For the installation of security cameras and solar system, proper advertisement was given in the newspaper by the JMC Nowshera, tenders collected and order placed to the successful bidder. Since, it was the end of financial year. So, as per past practice the AC bill was submitted to DAO Nowshera who issued the cheque in the name of vendor. The vendor during this period supplied some of the ordered items while others left over. However, the Principal demanded the Pay Order amounting to Rs.500,000/- in addition to the CDR already submitted for the left over items as security with the assurance that the remaining items will be supplied in near future. According to principal he requested repeatedly in writing to the contractor for the supply completion but the supplier did not respond. The Principal submitted the CDRs/Pay Order in Bank of Khyber Nowshera Cantt Branch and found that the same were fake. Accordingly proper FIR against the Contractor was registered (photo copy attached). According to him he was deceived by the supplier and the supply is still pending. It is worth mentioning that the supplier deceived all the JMC colleges of Nowshera and the supplier has been black listed by the Coordinator/Principal GPGC Nowshera with the consultation of Director, Higher Education Deptt.

- 7. The inquiry committee tried to trace out the students of Inter and Degree Classes who were fined by the Principal/Chief Proctor but could not find any of the student's who could confirm the fine indicated in the office

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**Superintendent**  
 Directorate of Higher Education  
 Khyber Pakhtunkhwa Peshawar

127 (9)  
H.S.

orders. In this respect, the Chief Proctor/Office assistant was also contacted but both of them denied of imposing such heavy fines. The diary/dispatch register was also checked for the confirmation of Office Order Nos./dates of fine but proved to be fake (photo copies of dispatch register are attached). Furthermore, the Principal and Office Assistant asserted that those notices were fake and exaggerated, the signs of the Principal were scanned and such type of practices is informed to be made by the Lab. Asstt. Mr. Shabbir (now posted at GDC Okara). Annexure -- D (05 pages).


The Principal explained that the college HIACE is being used to provide the pick and drop facility to the staff members as college is located in the remote area and generally there is no suitable local/public transport available during college hours.

P-232 To confirm the allegations in an application by the students about the behavior of Principal and the facilities of Play Grounds and cold drinking water, the inquiry committee tried to meet out the students in the attached list but no student appeared to accept the allegations leveled in the application. A few of the students were of the view that this application was written by Mr. Ikram Ullah, etc; while a few of the enlisted students denied of involvement of such an activity.

The undersigned met the students collectively/individually and inquired about the behavior of their Principal as well as teachers. In the gathering there were about 200 students of almost all the classes. Out of these no one objected the behavior of their Principal and other staff except on the teachers of Pashto, Statistics and Biology. All the students praised the Principal and said that "he is very good, cares about our studies and helps the poor ones from his own pocket. A few of them pointed out that at certain occasions he becomes harsh to those students who do not care for their studies". However, they thought that they were not annoyed of him as whatever he is doing that is for their best future. The statements of students are annexed as B(07 pages).

The students of Pashto explained that once Prof. Ikram Ullah gave them a blank paper just to sign it but they did not know what was going to be written over it. According to them, they got information about that statement during these inquiries. They further stated that Mr. Ikramullah Khan bears a casual behavior of attendance and most of the time he does not care for his classes. The students of Statistics also said that Prof. Abid Hussain is irregular in his classes and his students were not satisfied with his teaching method. He does not allow the students to ask questions. He guides the students not to opt the subject of statistics. Similarly, the students of Biology also stated that their teacher Mr. Qazi Shazad ul

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**Superintendent**  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

126 (10)  
164

Malook does not take the classes regularly, often he is present in the College but avoid to take the classes. The statements of students are annexed as F(04 pages).

P-235. In this application, Mr. Ikram Ullah claimed the misbehaviour of the Principal, but when inquired from the Principal he in turn claimed that he requested Mr. Ikramullah to change the time of his class because of clash in timings of Pashto and Islamiyat as there were only FIVE students in Pashto whereas in Islamiyat there were about 30 students so the Principal thought it better to change the time of Pashto subject from 11.00 am to 11.40 am. And when he (Principal) discussed it with Mr. Ikramullah, he became furious and used abusive language. This behavior was confirmed from the oral statements of students and written statement of the staff members (copy attached).

P-221. When asked from the Principal about closing of College on 16.11.2016, he denied of such an activity and said that it was a false allegation as the principal has no authority to close the college without any justification or permission of the higher authorities.

P-238: Application of Mr. Ikramullah about threatening of Principal when asked about such an harassment, the Principal denied of it and said that the persons pointed in the application is a group who is regularly trying to defame me by using different tactics. The application given by Ikramullah is the handwriting of Mr. Shabbir Ahmed (Lab Asstt.) who was transferred from GDC Khan Kohi to GDC Akora Khattak due to his mischievous activities. The Principal also provided a list of FIRs lodged against Mr. Shabbir Ahmed by different Principals at different occasions. He is informed to be habitual of teasing and harassing Principals by fake letters to the high ups. Here in this application he has signed as witness while he has himself written the application in spite he is not serving in this college.

Similarly, the other witnesses who signed the application of Mr. Ikram Ullah i.e;

- (i) Prof: Abid Hussain
- (ii) Prof: Shehzad
- (iii) Mr. Ayub Zaman(Mali)
- (iv) Mr. Hafecz ur Rehman (Lab Attendant)

have been found from the attendance record to be irregular and reluctant of performing their assigned duties. Mr. Ayub Zaman was once punished and terminated by the Principal due to non performance of his duty and remaining absent but later on re-instated.

**ATTESTED**

(291)  
163

## II. Inquiry No. 3378/CA-II/Estt: Branch/A-12/Sher Bahadar/Stats

P-150. Application by Mr. Ikramullah and Prof: Qazi Shahzad ul Malook.

According to the Principal, on 25.01.2017 the students of Pashto and Biology subjects complained about the incompleteness of their courses and irregular behavior of their teachers who do not take classes regularly and most of the courses were left pending. At the same time some more students gathered at the spot. The Principal said that he tried to calm down the students and instructed to be patient, he will talk to Mr. Ikramullah and Prof: Qazi Shahzad ul Malook for the same. In the mean time Mr. Ikramullah and Prof: Qazi Shahzad reached in the college and burst upon the students. They also used abusive language for the Principal. At this time harsh words were exchanged on both sides but the Chief Proctor and some other staff members entered in and tried to disperse the students and the professors.

The Chief Proctor and others strongly condemned the happening of this incident. They said that there was only an exchange of harsh words rather than beating to anyone. According to the Principal and others that after sometime Mr. Ikramullah, Qazi Shahzad, etc., went to nearby Police Station to file a complaint against the Principal.

Knowing such an activity by the above Professors the Principal along with some students who were present on the spot also went to the Police Station for a cross complaint and returned back to his office.

The staff members and the students said that the application by Mr. Ikramullah, etc; and the newspaper clippings were false and exaggeration of facts. The statement of Chief Proctor, other staff members and students are attached herewith. It is worth mentioning that both the groups have already approached to the local Police Station for FIRs on different occasions prior to this quarreling. Annexure G (11 pages).

The written statements of Prof: Abid Hussain, Prof: Qazi Shahzad ul Malook, Mr. Ikram ullah, Mr Ayub Zaman Mali and Mr. Hafeez ur Rehman Lab Attendent are attached. These statements are more or less same with similar contents. Same type allegations were leveled over the principal.

**ATTESTED**



**Superintendent**  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

1/1/17

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**Findings:**

After going through the records and statements provided by both the parties, it is found that the differences basically arose due to non-compliance of orders, non-serious and casual behaviour of subordinate staff. The basic requirement of a Principal is that his subordinate staff should perform his assigned duties especially taking regular classes and satisfy the students.

From the CCTV camera clippings it is found that the persons cross with the Principal are habitual of coming late to the college, remain absent without information and have casual behavior towards their duties. They have the attitude of giving anonymous applications to high ups with fake names. Also they have arranged press conferences which are against the service rules. They have been served with many explanations and warnings on account of being absent or not taking their classes. Once the differences created, they went on increasing, resulting in dis-obeyance and struggle to turn down one another. The inquiry committee noted that only five persons i.e: (i) Prof: Abid Hussain, (ii) Prof: Qazi Shahzad Malook, (iii) Mr. Ikramullah, lecturer (iv) Mr. Hafeez ur Rehman, Lab Attendant and (v) Mr. Ayub Zaman. Mali were on one side while all the other teaching/non-teaching staff were on Principal side this indicate that the first group of 5 persons were at wrong. They have reached at a stage of non-return and unable to accept Prof: Sher Bahadar as Principal. who according to majority of staff, students and general public representatives was performing for the betterment of the college as well as students.

Furthermore, the students were found to be annoyed from the quarreling behavior of their teachers and non performance of their duties. There was not a single student who appreciated the behavior of these persons. They also requested that such under report teachers should be transferred from their college as they have given a huge loss in terms of time, money and resources to the students and the college.

**ATTESTED**

**Superintendent**  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

13  
167

**Recommendations:-**

Since the above six persons have become a threat for the department as well as the college due to being habitual of not performing their duties, sending fake applications to high ups and other agencies with fake names and exaggerated facts just to keep the principal under pressure and avail full facilities from the department, also they have arranged the press conferences and defamed the department and wasted time and resources. It is therefore, recommended that all the above persons be transferred from this college and disciplinary proceedings be initiated against the persons involved in such activities.

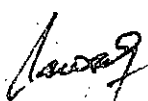
The principal of the college be warned to be careful in purchasing processes so that the fraudulent persons could not deceive again. Also, the department should take action against the fraudulent contractor and treat under the law so that the supplies could be completed.

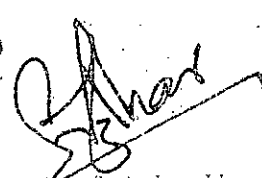
It is also, recommended that the principal be directed not to use harsh and abusive language with the subordinate staff and treat them mannerly.

**ATTESTED**

  
**Superintendent**

Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

  
Prof: Muhammad Nawaz,  
Principal GDC Khanpur, Haripur,

  
Asstt. Prof: Azhar Hussain Shah  
GDC Khanpur, Haripur.



B

(14)

**OFFICE OF THE PRINCIPAL GOVT. DEGREE COLLEGE KHAN KOHI,**

**NIZAMPUR, NOWSHERA.**

Dated: 27-10-2016

No: 2612

To:

Mr. Ikram Ullah  
Lecturer in Pashto  
Govt. Degree College Khan Kohi Nizampur, Nowshera.

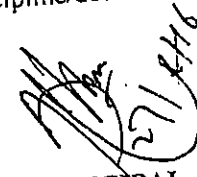
Subject:

**Explanation.**

1. That you absent from duty on 27-10-2016 without prior information/ sanctioning causal leave.
2. That you are always engaging to motivate student against the administration: specially to block the main road of Nizampur.
3. That you misbehaved and used harsh language with Mr. Rafaqat Ali Khan Lecturer in Maths on 26-10-2016. In his presence, you started delivering lecture on such points which are not in the mind of students, where you deliberately discussed.
4. That you motivated the students to write a letter to Nazam of village council Kahi that an English teacher is not available. There is no such problem of English teacher.
5. That you are not executing his duty regularly.
6. That you availed 35-day Casual leave from January, 2016 till to date.
7. That you come at 10.00am to college which is against the office discipline and decorum.
8. That your manner is disgusted towards his senior/Principal, and lower staff.
9. That you misbehaved with his me in presence of Class IV.
10. That you with Mr. Abid Hussain Associate Professor and Mr. Ayub Zaman of this college have formed a pressure group and creating conspiracies against the college Administration.
11. You always submit leave application, state that I am suffering from fever and head ache or high blood pressure. In this way he can creates a major trouble.

In this regard it is stated that this state of affairs is not at all tolerable and would also encourage other employees to follow similar attitudes. Therefore, we are in no position to spare such ill-discipline and unpunctual professor in the department, whose main task is violation of discipline/decorum and Govt. Servant (E&D) Rules.


Explain your position with in three days positively.

  
**PRINCIPAL,  
GOVT. DEGREE COLLEGE,  
KHAN KOHI (NIZAMPUR),  
NOWSHERA.**

Copy to:

1. P.S. to Secretary, Higher Education KPK Peshawar.
2. P.A. Director, Higher Education KPK Peshawar.

**ATTESTED**

  
**Superintendent  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar**

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**OFFICE OF THE PRINCIPAL GOVT. DEGREE COLLEGE KHAN KOHI,  
NIZAMPUR, NOWSHERA.**

Dated: 07-11-2016

No:- 2630

To:


Mr. Ikram Ullah  
Lecturer in Pashto  
Govt. Degree College Khan Kohi Nizampur, Nowshera.

Subject:

**Explanation.**

1. That you absent from duty on 05-11-2016 without prior information/ sanctioning causal leave.
2. That you reached college at 10.45 AM on 07-11-2016.
3. That you forced the students to write a letter to Local Councilers and also Secretary and Director Higher Education KPK Peshawar by bribing them in shape of cash money.
4. That you compel the students to go to Peshawar press club for protest against the principal.
5. That you are not taking class of first year according time table.
6. That you are not taking interst in college co-coriculem activities.
7. That you are not attending the meeting of the college calling by principal.
8. That you have not signed the studenta attendance register uptill now.
9. That you are disobedient.govt. servant.


Explain your position with in three days positively.

  
PRINCIPAL,  
GOVT. DEGREE COLLEGE,  
KHAN KOHI (NIZAMPUR),  
NOWSHERA.

Copy to:

1. P.S. to Secretary, Higher Education KPK Peshawar.
2. P.A. Director, Higher Education KPK Peshawar.
3. Coordinator/Principal GPGC Nowshera.

**ATTESTED**

  
Superintendent  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

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03-25430933

07/11/16

07/11/16

OFFICE OF THE PRINCIPAL GOVT. DEGREE COLLEGE KHAN KOHI,

NIZAMPUR, NOWSHERA.

No:- 2640

Dated: 16-11-2016

To:

Mr. Ikram Ullah  
Lecturer in Pashto  
Govt. Degree College Khan Kohi Nizampur, Nowshera.

Subject: Explanation.

1. That you absent from duty on 11-11-2016 without prior information/ sanctioning causal leave.
2. That you reached college at 10.30 AM on 12-11-2016 and left the college at 12.30 PM.
3. That you are absent from duty on 14-11-2016 without prior information/ sanctioning casual leave.
4. That you reached the college at 10.00AM on 15-11-2016 and left the college at 10.30 AM.
5. That you reached the college at 10.15 AM on 16-11-2016 where you left the college at 12.35 PM.
6. That you are not taking class of first year according time table.
7. That you are not taking interest in college co-curriculum activities.
8. That you are not attending the meeting of the college calling by principal.
9. That you have not signed the student's attendance register up till now.
10. That you are disobedient govt. servant.

Explain your position within three days positively.

PRINCIPAL

GOVT. DEGREE COLLEGE,  
KHAN KOHI (NIZAMPUR),  
NOWSHERA.

Copy to:

1. P.S. to Secretary, Higher Education KPK Peshawar.
2. P.A. Director, Higher Education KPK Peshawar.
3. Coordinator/Principal GPGC Nowshera.

**ATTESTED**

Superintendent  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

03025430933

16/11/2016

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OFFICE OF THE PRINCIPAL GOVT. DEGREE COLLEGE KHAN KOHI,

NIZAMPUR, NOWSHERA

Dated: 24-11-2016

No.: 2651

To:

Mr. Ikram Ullah  
Lecturer in Pashto  
Govt. Degree College Khan Kohi Nizampur, Nowshera.

Subject:

Explanation.

1. That you absent from duty on 19-11-2016 without prior information/ sanctioning causal leave.
2. That you absent from duty on 21-11-2016 without prior information/ sanctioning causal leave.
3. That you reached college at 9.50 AM on 22-11-2016.
4. That you reached the college on 10.45PM on 24-11-2016.(photo taken by personal camera attached with detailed on back side of photo)
5. That you are disobedient govt. servant.

Explain your position within three days positively.

PRINCIPAL  
GOVT. DEGREE COLLEGE,  
KHAN KOHI (NIZAMPUR),  
NOWSHERA.

Copy to:

1. P.S. to Secretary, Higher Education KPK Peshawar.
2. P.A. Director, Higher Education KPK Peshawar.
3. Coordinator/Principal GPGC Nowshera.

ایکرام اللہ صاحب نے دوسرا دن سے انکار کیا ہے۔  
میں ان کے نام پر قائل ہوں۔

ATTESTED

Superintendent  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

3025430933

24/11/2017

B. 2

18/1/16

OFFICE OF THE PRINCIPAL GOVT. DEGREE COLLEGE KHAN KOHI NIZAMPUR NOWSHERA.

Dated:-23-01-2016

No: - 2694

To

Mr. Ikram Ullah

Lecturer in Pashto

Govt. Degree college Khan Kohi Khan, Nizampur Nowshera.

Subject: - Explanation.

1. I have inform you about the submission of PER of 2016 vide this office letter No. 2674 dated 22-12-2016 however you refused to sign the said circular and also you have not submitted PER with in a time.
2. You are in habit of self assumed leave without prior permission of the competent authority. You are absent from duty on dated 07-01-2017 to 09-01-2017.
3. You do not follow the instructions of higher education issued for the college teaching staff during the official timing even though you do not wearing the Gown..
4. You do not come on proper time that 8.00 AM and went before off time.
5. Govt. is provided the facility of Biometric System to check the punctuality and attendance but you do not use neither on coming nor leaving the college, vide notification of Secretary Higher Education Khyber Pakhtunkhwa No. HED/HEMIS/Biometric/2016 dated 27-07-2016 which is compulsory for officials/ officers

Explain your position in three days positively.

Principal

Govt. Degree College Kh:  
Kohi Nizampur Nowshera.

No: ----- dated:-----

Copy to:-

1. P.S to Secretary, Higher Education KPKP Peshawar.
2. P.S. to Secretary, Law KPKP Peshawar.
3. P.A. Director, Higher Education KPKP Peshawar.
4. Principal, GPGC Nowshera.

ATTESTED

Sup.intendent  
Director's of Higher Education  
Khyber Pakhtunkhwa Peshawar

Handwritten notes and signatures in Urdu, including a date stamp 03/02/2016 and a signature.

B

(B)

**DIRECTORATE OF HIGHER EDUCATION  
KHYBER PAKHTUNKHWA,  
KHYBER ROAD PESHAWAR**

Phone # 091-9210242, 9211025/Fax # 9211803  
/ CA-11/ Estt: Branch/ A-2/ Ikramullah/ Pashto

Dated Peshawar the 28/11/2016

DATE 197  
07/12/16  
To

1. Mr. Abid Hussain,  
Associate Professor of Statistics  
Govt; Degree College, Khan Kohi (Nowshera).
2. Mr. Ikramullah,  
Lecturer in Pashto  
Govt; Degree College, Khan Kohi (Nowshera).

SUBJECT PRESS CONFERENCE/ EXPLANATION.

I am directed to refer to the subject cited above and to state that you have given statements to Print Media by arranging a Press Conference and levelled allegations against the Principal of the College which is dereliction of the Khyber Pakhtunkhwa Govt; Servants (Conduct) Rules, 1987, according to which no Govt; servants shall, in any document, published or any public utterance, radio broadcast or television programme, or in any other manner make any statement of fact or opinion which causes embarrassment to the Department and violation of conduct rules is tantamount to misconduct under E&D Rules, 2011.

2. I am further directed to ask you to explain your position as to why disciplinary action under rules ibid may not be initiated against you. Your reply should reach through your Principal to this office within 07 days positively.

Endst: No. 31802-4

DY: DIRECTOR (ESTABLISHMENT)

Copy of the above is forwarded to:-

1. PS to Advisor to Chief Minister for Higher Education, Information & Prs Khyber Pakhtunkhwa.
2. PS to Secretary, Higher Education, Khyber Pakhtunkhwa.
3. Principal Govt; Degree College, Khan Kohi (Nowshera).

*Mr. Waqar Ahmad  
Do as directed*

*[Signature]*  
S.M.A.

*S. Sahi*  
25/11/16

DY: DIRECTOR (ESTABLISHMENT)

For: Munawar John/Letter Folder/ Documents-80 30

**ATTESTED**

*[Signature]*  
Superintendent  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

Scanned with CamScanner

GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT

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74

Dated: Peshawar February 07, 2017.

NOTIFICATION

2870-2959

GOVERNMENT/2-5/2017: The Competent Authority is pleased to order the posting/transfer of the following Assistant Professors / lecturers (Maie) with immediate effect in the best public interest.

Sl. No.	Name with Scale	Posting/Transfer	
		Designation/Subject/ (From)	Designation/Subject/ (To)
1	Syed Suijaz Haider Naqvi, (BS-13)	Asst. Prof: (Eng.) GDC Khanpur Haripur	Asst. Prof: (Eng.) GPGC Mandian Abbottabad
2	Mr. Zahoor Khan, (BS-18)	Asst. Prof: (Zoology) GPGC, Bannu	Asst. Prof: (Zoology) GSSC, Peshawar
3	Mr. Amir Muhammad, (BS-18)	Asst. Prof: (Chemistry) GDC, Lahor Swabi	Asst. Prof: (Chemistry) GC Peshawar
4	Mr. Javed Akbar, (BS-18)	Asst. Prof: ( Zoology) GDC Lundkhuwar	Asst. Prof: ( Zoology) GDC Achini Payan
5	Mr. Khair Ul Amin, (BS-18)	Asst. Prof: (English) HETTA	Asst. Prof: (English) GPGC Nowshera
6	Mr. Muhammad Tayyab, (BS-18)	Asst. Prof: ( Islamiyat) GDC, Darband, Mansehra	Asst. Prof: ( Islamiyat), GPGC, Mansehra
7	Mr. Kamran yousai, (BS-18)	Asst. Prof: (Mathematics) GDC, Lassa, Nawab, Mansehra	Asst. Prof: (Mathematics) GPGC, Mansehra
8	Mr. Khalid Iqbal, (BS-13)	Asst. Prof: (Political Science) GPGC Bannu	Asst. Prof: (Political Science) GSSC, Peshawar
9	Mr. Salah ud din Ayubi (BS-18)	Asst. Prof: (Comp; Science) GPGC, Mansehra	Asst. Prof: (Comp; Science) GPGC, No.1 Abbottabadi
10	Mr. Jehangir Rehman, (BS-17)	Lecturer (Comp; Science) GDC, Chamla Buner	Lecturer (Comp; Science) Govt. Afzal Khan Lala, Swat
11	Mr. Zahid Ali, (BS-17)	Lecturer: ( English) GDC, Balakot	Lecturer: (English) GDC, Havellian
12	Mr. Jahseen Ullah, (BS-17)	Lecturer ( Statistics) GDC Katlang Mardan	Lecturer (Statistics) GDC No.2 Mardan
13	Mr. Rashid Racha, (BS-17)	Lecturer ( Pashto) (GDC Palal, Malakand	Lecturer (Pashto) GDC Khanpur, Dir (Lower)
14	Mr. Iltaf Rehman, (BS-17)	Lecturer ( English) GDC Thana, Malakand	Lecturer (English) Retained at GDC Thana, Malakand
15	Mr. Abid Saleem, (BS-17)	Lect. Jrar ( English) GDC, Lachi	Lecturer (English) GPGC, Kohat
16	Mr. Khalid Mehmood, (BS-17)	Lecturer (Urdu) GDC, Darband, Mansehra	Lecturer (Urdu) GDC Haripur.
17	Mr. Sartaj Wali, (BS-17)	Lecturer (Physics) Waiting for posting	Lecturer: (Physics) GPGC Dargai Malakand
18	Mr. Muhammad Adil, (BS-17)	Lecturer (Machs) GDC Pagar Buner	Lecturer (Machs) GC Peshawar
19	Mr. Saad Ullah, (BS-17)	Lecturer (Islamiyat) GDC Haripur	Lecturer (Islamiyat) GDC Achini Payan
20	Mr. Rab Nawaz, (BS-17)	Lecturer: (Botany) GDC, Agra, Malakand	Lecturer: (Botany) GPGC, Dargai, Malakand
21	Mr. Sagheer Gul, (BS-17)	Lecturer: (Chemistry) GDC, Botagram	Lecturer: (Chemistry) GPGC, Mansehra
22	Mr. Irtis Ahmad Khan, (BS-17)	Lecturer (Pashto) GDC, Alpuri, Shangla	Lecturer (Pashto) GDC, Baragram
23	Mr. Mirram Ullah, (BS-17)	Lecturer (Pashto) GDC, Khan Kchi Nowshera	Lecturer (Pashto) Services placed at the disposal of FATA.

ATTESTED

Superintendent  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

P.T.O.

24.	Mr. Ziarat Khan, (BS-17)	Lecturer (History) GPGC Kohat	Lecturer (History) GSSC Peshawar.
25.	Mr. Hamid Ullah, (BS-17)	Lecturer (Economics) GDC Chaghar Matti Peshawar	Lecturer (Economics) GDC, Tangi Charsoda
26.	Mr. Tila Muhammad, (BS-17)	Lecturer (Geography) under transfer to GPGC, Lakki Marwat	Lecturer (Geography) retained at GPGC, Karak
27.	Mr. Saïd Nawaz, (BS-17)	Lecturer (Geography) under transfer to GPGC, Karak	Lecturer (Geography) retained at GDC, Taht, Nasrati
28.	Mr. Zahid Naseer, (BS-17)	Lecturer (History) GDC Paniala	Lecturer (History) GPGC Lakki Marwat
29.	Mr. Shaif Ullah, (BS-17)	Lecturer (Chemistry) GPGC Kohat	Lecturer (Chemistry) GPGC Karak
30.	Mr. Rizwan ULLAH, (BS-17)	Lecturer (Pci. Science) GDC Badhber	Lecturer (Pci. Science) GDC Madappara
31.	Mr. Imran Khan, (BS-17)	Lecturer (Maths) GDC Belakot	Lecturer (Maths) GPGC Haripur
32.	Mr. Muhammad Naeem Ullah Khan, (BS-17)	Lecturer (Botany) GDC Sa Bera	Lecturer (Botany) GPGC Mandian Abbottabad
33.	Mr. Inam Ullah, (BS-17)	Lecturer (English) GDC Paharpur	Lecturer (English) GDC No 1 D.I. Khan
34.	Mr. Muhammad Ibrar Khan, (BS-17)	Lecturer (Physics) GDC Havellian Abbottabad	Lecturer (Physics) GDC Pattan
35.	Mr. Aziz Ur Rehman, (BS-17)	Lecturer (Urdu) GDC, Yar Hussain	Lecturer (Urdu) GDC, Oghi, Mansehra
36.	Mr. Zafar Iqbal, (BS-17)	Lecturer (Maths) GDC, Swabi	Lecturer (Maths) GPGC, Mardar
37.	Mr. Akhter Zaman, (BS-17)	Lecturer (Islamiat) GDC, Poon	Lecturer (Islamiat) GDC, Ghori Wala Bannu
38.	Mr. Aimal Khan, (BS-17)	Lecturer (Pak. Study) GSSC, Peshawar	Lecturer (Pak. Study) GDC, Koon Kund
39.	Al. Dul Matien Al. bas, (BS-17)	Lecturer (English) GDC, Sherwan	Lecturer (English) GDC, GPGC, Paripu
40.	Mr. Abdul Hameed, (BS-17)	Lecturer (English) GPGC, Haripur	Lecturer (English) GDC, Sherwan
41.	Syao Shakeel Ahmad, (BS-17)	Lecturer (Law) GPGC, Timergara	Lecturer (Law) GPGC, Beral, Malakand.
42.	Mr. Muhamad Rasheed, (BS-17)	Lecturer (Urdu) GPGC, Karak	Lecturer (Urdu) GDC, Azara, Peshawar
43.	Malik Junaid Ahmad, (BS-17)	Lecturer (English) GDC, Oghi, Mansehra	Lecturer (English) GPGC, Mansehra
44.	Mr. Abdul Samad (BS-17)	Lecturer (Chemistry) GPGC, Kohat	Lecturer (Chemistry) GPGC, Karak

Note: No T.A / D.A is admissible.

SECRETARY TO  
GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION DEPARTMENT

ENDST: NO. & DATE EVEN:

Copy is forwarded to the:

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Accountant General AGPR, Sub- Office AG Office, Khyber Pakhtunkhwa.
3. Director, Higher Education, Khyber Pakhtunkhwa, Peshawar.
4. All Principals concerned.
5. Deputy Director (IT), HEMIS Cell, Higher Education Department,
6. Section Officer (Estt.), FATA Secretariat, Warsak Road Peshawar.
7. All District Accounts Officers concerned.
8. Officers concerned.
9. PS to Secretary Higher Education Department Khyber Pakhtunkhwa, Peshawar.

*Rahim Ullah*  
(RAHMAN) (GUY)  
SECTION OFFICER (COLLEGES-II)

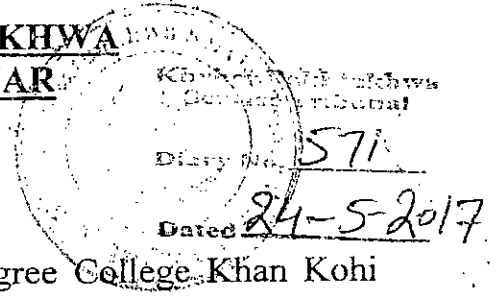


LAWYER C

(2)

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

Appeal No. 512/2017



**Ikram ullah, Lecturer BPS-17, Government Degree College Khan Kohi  
Nizam Pur District Nowshera.**

**(Appellant)**

**VERSUS**

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. The Secretary Higher Education, Peshawar.
3. The Director Higher Education, Peshawar.
4. The Principal Government Degree College Khan Kohi Nizam Pur District Nowshera

**(Respondents)**

Appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the Order dated 07.02.2017, whereby the Appellant has been transferred from Government Degree College Khan Kohi Nizam Pur District Nowshera and his services has been placed at the disposal of FATA Secretariat, against which the Departmental Appeal dated 09.02.2017, has also not been responded despite the lapse of 90 days statutory period.

*Handwritten signature and date: 20-11-2017*

Prayer in Appeal:

*Filed to-day*

*Registered*

*24/5/17*

On acceptance of this appeal the transfer Order dated 07.02.2017, may please be set-aside being passed in the violation of posting/transfer instruction, and premature and the Appellant be allowed to continue his duties at Government Degree College Khan Kohi Nizam Pur District Nowshera. Any other remedy which this august tribunal deems fit and appropriate that may also be awarded in favour of Appellant.

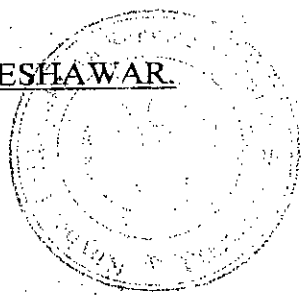
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**ATTESTED**

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S. P. M. M. M. M.  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

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22

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.



Service Appeal No. 512/2017

Date of Institution ... 24.05.2017

Date of Decision ... 04.11.2019

Ikramullah, Lecturer (BPS-17), Government Degree College Khan Kohi Nizampur  
District Nowshera. ... (Appellant)

VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar  
and three other. ... (Respondents)

MR. YASIR SALEEM,  
Advocate

For appellant.

MR. ZIAULLAH,  
Deputy District Attorney

For respondents

MR. AHMAD HASSAN  
MR. MUHAMMAD HAMID MUGHAL

MEMBER(Executive)  
MEMBER(Judicial)

**ATTESTED**

Superintendent  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the  
parties heard and record perused.

**ATTESTED**

ARGUMENTS:

02. Learned counsel for the appellant argued that he was appointed as Lecturer  
on contract basis in the respondent-department vide notification dated 28.11.2015  
and posted at GDC, Alpuri, Shangla. His services were regularized in 2009 and last  
posting was at GDC, Nizampur, Nowshera notified vide notified dated 24.07.2015  
and assumed charge on 01.11.2015. Learned counsel for the appellant further  
argued that he did not succumb the illegal pressure asserted by respondent no.4 and  
resultantly was transferred from the above college and service placed at the disposal  
of FATA Secretariat through notification dated 07.02.2017. Feeling aggrieved, he

Signature  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar



23

filed departmental appeal of 09.02.2017 which remained unanswered, hence, the present service appeal. The appellant was pre-maturely transferred in violation of Posting/Transfer policy and the said order was not issued in the public interest. Approval of Governor Khyber Pakhtunkhwa was not obtained before notifying transfer of the appellant.

03. Learned DDA argued that he took charge at the place of his previous posting on 01.11.2015 but failed to perform duty efficiently. As he showed of lack of interest and commitment towards assigned responsibility, therefore, respondent no.4 time and again called explanation, from the appellant. As a civil servant he was liable to serve anywhere in the province, as per Section-10 of Khyber Pakhtunkhwa Civil Servants Act, 1973. Moreover, he had almost completed tenure at Nizampur, Nowshera. He was treated according to law and rules.

**CONCLUSION:**

04. Through the present service appeal, the appellant has agitated the issue of pre-mature transfer made in violation of rules/Posting/Transfer policy. He was posted at Govt: Degree College, Nizampur on 01.11.2015. Through impugned order dated 07.02.2017 his services were placed at the disposal of FATA Secretariat for further posting. Presently, he is posted at GDC, Merged District Orakzai. The appellant on the eve of his transfer had almost completed normal tenure mentioned in the relevant rules. The erstwhile FATA has now been merged with Khyber Pakhtunkhwa and administrative issues are being looked after by respondent no.2 and 3. With the help of available we were unable to point out any malafide, grudge, malice and discriminatory attitude of the respondents against the appellant. Prima-

ATTESTED

Supervisor  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

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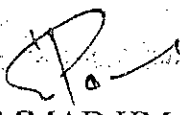
facie through a general Posting/Transfer order which was issued in the public interest his service were placed at the disposal of erstwhile FATA Secretariat.

05. As explained by the learned counsel for the appellant during the course of arguments, he was facing extreme hardships ever-since his posting at GDC, Kallaya on 04.01.2018. We believe that after expiry of normal tenure the respondents may consider his genuine grievances in a sympathetic manner.

06. As a sequel to the above, the instant appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

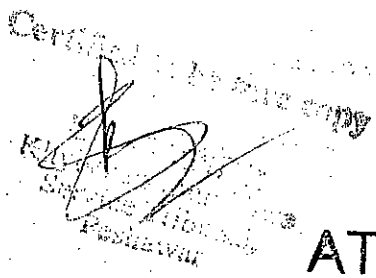


(AHMAD HASSAN)  
Member




(MUHAMMAD HMAID MUGHAL)  
Member

ANNOUNCED  
04.11.2019



06-11-19  
1600  
20-00  
20-00  
15-11-19  
15-11-19

**ATTESTED**

  
Superintendent  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

Annex I D

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



66/96

Appeal No. /2017

**Ikram ullah, Lecturer BPS-17, Government Degree College Khan Kohi  
Nizam Pur District Nowshera.**

(Appellant)

**VERSUS**

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. The Secretary Higher Education, Peshawar.
3. The Director Higher Education, Peshawar.
4. The Principal Government Degree College Khan Kohi Nizam Pur District Nowshera

(Respondents)

Appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the Order dated 07.02.2017, whereby the Appellant has been transferred from Government Degree College Khan Kohi Nizam Pur District Nowshera and his services has been placed at the disposal of FATA Secretariat, against which the Departmental Appeal dated 09.02.2017, has also not been responded despite the lapse of 90 days statutory period.

Prayer in Appeal;

24/5/17

On acceptance of this appeal the transfer Order dated 07.02.2017, may please be set-aside being passed in the violation of posting/transfer instruction, and premature and the Appellant be allowed to continue his duties as Government Degree College Khan Kohi Nizam Pur District Nowshera. Any other remedy which this august tribunal deems fit and appropriate that may also be awarded in favour of Appellant.

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

**ATTESTED**

**Superintendent**  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

96

14. AL  
for

14.06.2017

Counsel for the appellant submitted an application for early hearing instead of 10.07.2017. Application is allowed. To come up for preliminary hearing on 20.06.2017 instead of 10.07.2017 before S.B.

*[Signature]*  
Chairman

20.06.2017

Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving as lecturer in Government Degree College Khan Kohi Nizam Pur District Nowshera but the competent authority has transferred him vide order dated 07.02.2017 and has placed his services at the disposal of FATA Secretariat. It was further contended that before placing the services of the appellant at the disposal of FATA Secretariat, the approval of the Governor was necessary but the same approval was not obtained before the impugned order, therefore, the impugned order being premature, is illegal and liable to be set-aside. The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days. Notices be issued to the respondents for written reply/comments for 03.08.2017 before S.B. Notice of application for suspension of the operation of the impugned order dated 07.02.2017 be also issued to the respondents for the date already fixed. In the meanwhile status-quo be maintained till date.

Appellant Deposited  
Security & Process Fee  
*[Signature]*

*[Signature]*  
(Muhammad Amin Khan Kundi)  
Member

**ATTESTED**  
*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**ATTESTED**  
*[Signature]*  
Superintendent  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

b1/A

Form- A  
FORM OF ORDER SHEET



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

Case No. 512/2017

S. No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24/05/2017	<p>The appeal of Mr. Ikramullah presented today by Mr. Yasir Saleem Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 24/5/17</p>
2	25-5-2017	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>8-6-2017</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
	08.06.2017	<p>Clerk to counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 10.07.2017 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> (Ahmad Hassan) Member</p>

Certified to be true copy  
*[Signature]*  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

# Annex - E

27

6/1/A

## Form - A FORM OF ORDER SHEET



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

Case No. 512/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24/05/2017	<p>The appeal of Mr. Ikramullah presented today by Mr. Yasir Saleem Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 24/5/17</p>
2	25.5.2017	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>8-6-2017</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
	08.06.2017	<p>Clerk to counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 10.07.2017 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> (Ahmad Hassan) Member</p> <p style="text-align: center;"><b>ATTESTED</b></p> <p style="text-align: center;"><i>[Signature]</i> Superintendent Directorate of Higher Education Khyber Pakhtunkhwa Peshawar</p>

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



14.06.2017

14.06.2017

Counsel for the appellant submitted an application for early hearing instead of 10.07.2017. Application is allowed. To come up for preliminary hearing on 20.06.2017 instead of 10.07.2017 before S.B.

Chairman

20.06.2017

Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving as lecturer in Government Degree College Khan Kohi Nizam Pur District Nowshera but the competent authority has transferred him vide order dated 07.02.2017 and has placed his services at the disposal of FATA Secretariat. It was further contended that before placing the services of the appellant at the disposal of FATA Secretariat, the approval of the Governor was necessary but the same approval was not obtained before the impugned order, therefore, the impugned order being premature, is illegal and liable to be set-aside. The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days. Notices be issued to the respondents for written reply/comments for 03.08.2017 before S.B. Notice of application for suspension of the operation of the impugned order dated 07.02.2017 be also issued to the respondents for the date already fixed. In the meanwhile status-quo be maintained till date.

Appellant Deposited Security & Process Fee

ATTESTED

MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

(Muhammad Amin Khan Kundi)  
Member

Service Appeal No. 512/2017

14.06.2017  
28

03.08.2017

Counsel for the appellant present. Mr. Irfanullah, A alongwith Mr. Muhammad Adeel Butt, Additional AG for respondents No. 1 to 3 and respondent No. 4 Mr. Sher Bahadar, Principal with his counsel also present. Written reply on behalf of respondent No. 4 submitted. Representative of respondents No. 1 to 3 requested for adjournment. Adjourned. To come up for written reply/comments on behalf of respondents No. 1 to 3 on 17.08.2017 before S.B. ~~In the meanwhile status-quo be maintained till the date fixed.~~

  
(Muhammad Amin Khan Kundi)  
Member

17.08.2017

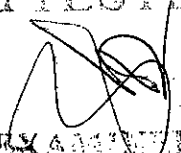
Clerk to counsel for the appellant, Asst: AG alongwith Murad Khan, Supdt and respondent no.4 with counsel present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 28.08.2017 before S.B. ~~Status-quo be maintained till the date fixed.~~

  
(Ahmad Hassan)  
Member

28.08.2017


Counsel for the appellant present. Mr. Murad Ali, Superintendent alongwith Mr. Muhammad Adeel Butt, Additional AG for respondents No. 1 to 3 and respondent No. 4 with his counsel also present. Written reply on behalf of respondent No. 4 has already submitted. Written reply on behalf of respondents No. 1 to 3 not submitted. Learned Additional AG requested for further adjournment. Adjourned. To come up for written reply/comments on 12.09.2017 before S.B. ~~Status-quo be maintained till the date fixed.~~

ATTESTED

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

  
(Muhammad Amin Khan Kundi)  
Member

ATTESTED

  
Superintendent  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

12/09/2017

Mr. Murad Ali, Superintendent alongwith Mr. Muhammad Adeel Butt, Additional AG for respondents No. 1 to 3 and counsel for respondent No. 4 present. Written reply on behalf of respondents No. 1 to 3 not submitted. Requested for further adjournment. Representative of the department is directed to furnish authority letter on or before the next date. Adjourned. To come up for written reply/comments on 27.09.2017 before S.B.

(Muhammad Hamid Mughal)  
Member

27.09.2017

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional AG alongwith Murad Ali, Superintendent and Sher Bahadar, Principal for the respondents also present. Written reply on behalf of respondent No. 4 has already submitted. Written reply on behalf of respondents No. 1 to 3 not submitted. Learned Additional AG requested for further adjournment. Adjourned. To come up for written reply/comments on behalf of respondents No. 1 to 3 on 26.10.2017 before S.B. Status-quo be maintained till the date fixed.

(Muhammad Amin Khan Kundi)  
Member

ATTESTED

EXAMINER  
Khayber Pakhtunkhwa  
Service Tribunal,  
Peshawar

99

Service Appeal No. 512/2017

26.10.2017

Clerk of the counsel for appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Muhammad Irfan, AD for respondents No. 1 to 3 and counsel for respondent No. 4 also present. Written reply on behalf of respondents No. 1 to 3 submitted. Written reply on behalf of respondent No. 4 has already submitted. Adjourned. To come up for rejoinder and arguments on 13.11.2017 before D.B. Status quo be maintained till the date fixed.

*M.A.*  
(Muhammad Amin Khan Kundi)  
Member

13.11.2017

Counsel for the appellant and Mr. Kabeerullah Khattak, Addl. AG for the respondents present. The learned counsel for the appellant requested for adjournment to prepare rejoinder. Granted. To come up for rejoinder and arguments on 30.11.2017 before the D.B. Status quo be maintained till the date fixed.

*M.A.*  
Member

*[Signature]*  
Chairman

30.11.2017

Counsel for the appellant and Mr. Muhammad Jan, DDA for respondents present. Counsel for the appellant seeks adjournment. Adjourned. Last chance is given to the appellant for arguments. To come up for arguments on 07.12.2017 before D.B.

**ATTESTED**

*[Signature]*  
Superintendent  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

**ATTESTED**

*[Signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

*[Signature]*  
Member

*[Signature]*  
Chairman

E

(30)

07.12.2017

Clerk of the counsel for appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Murad Ali, Superintendent for the respondents also present. Clerk of the counsel for appellant requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 13.12.2017 before D.B.

(Ahmad Hassan)  
Member (E)

(Muhammad Amin Khan Kundi)  
Member (J)

13.12.2017

Learned counsel for the appellant present. Learned AAG for the respondents present. learned counsel for the respondent No. 4 also present. Learned counsel for the appellant submitted rejoinder which is placed on file, copy of which handed over to the learned AAG. Learned counsel for the respondent No.4 requested for adjournment. Adjourned. To come up for arguments on 02.01.2018 before D.B

(Gul Zeb Khan)  
MEMBER

(Muhammad Hamid Mughal)  
MEMBER

02.01.2018

Clerk of the counsel for appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents also present. Clerk of the counsel for appellant requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 25.01.2018 before D.B.

(Ahmad Hassan)  
Member(E)

(M.Amin Khan Kundi)  
Member (J)

11

ATTESTED

EX-SUPERVISOR  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

ATTESTED

Superintendent  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

A No. 512/2017  
IKramullah vs Govt



25.01.2018.

Counsel for the appellant present. Mr. Riaz Paindakhel  
Assistant AG alongwith Mr. Murad Khan, Superintendent for the  
respondents present. None present on behalf of private respondent  
No. 4. Counsel for the appellant seeks adjournment. Adjourned.  
To come up for arguments on 16.03.2018 before D.B.

*[Signature]*  
Member

*[Signature]*  
Chairman

Certified true copy  
*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation 8-3-18  
Number of Words 3200  
Copying Fee 18  
Urgent -  
Total 18  
Name of Clerk [Signature]  
Date of Case 09-3-18  
Date of D.B. 09-3-18

(3/16)

**SHOW CAUSE NOTICE**

I, Mehmood Khan, Chief Minister Khyber Pakhtunkhwa, as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Ikramullah, Lecturer in Pashto (B-17), formerly working at Govt; Degree College, Khan Nowsehra under transfer to FATA side, as follows:-

- i. That consequent upon the completion of inquiry conducted against you by the Inquiry Officer for which you were given opportunity of hearing.
- ii. Ongoing through the findings and recommendations of the Inquiry Officer, the material on record and other connected papers including your defence before the said Inquiry Committee.

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

- ✓ (a) In-Efficiency.
- ✓ (b) Mis-conduct.

As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalty of withholding of 4 under rule 4 of the said rules. increments for 4 years.

You are, therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

A copy of findings of the Inquiry Officer is enclosed.

Received by hand.

*Mehmood Khan*

**CHIEF MINISTER,  
KHYBER PAKHTUNKHWA**

*Amir*  
11/1/2019

**ATTESTED**

Superintendent  
Directorate of Higher Education  
Khyber Pakhtunkhwa

3/8

**SHOW CAUSE NOTICE**

I, Mehmood Khan, Chief Minister Khyber Pakhtunkhwa, as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Ikramullah, Lecturer in Pashto (B-17), formerly working at Govt. Degree College, Khan Kohi, Nowshera under transfer to FATA side, as follows:-

- i. That consequent upon the completion of inquiry conducted against you by the Inquiry Officer for which you were given opportunity of hearing.
- ii. Ongoing through the findings and recommendations of the Inquiry Officer, the material on record and other connected papers including your defence before the said Inquiry Committee.

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

(a) In-Efficiency.

(b) Mis-conduct.

2. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalty of withholding of two increments for two years. under rule 4 of the said rules.
3. You are, therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.
5. A copy of findings of the Inquiry Officer is enclosed.

**ATTESTED**

Superintendent  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

*Mehmood Khan*  
(Mehmood Khan)  
**CHIEF MINISTER,  
KHYBER PAKHTUNKHWA**

also be awarded in favour of Appellant.



Annex-9  
9 (33) 17


**INQUIRY REPORT**

**DISCIPLINARY PROCEEDINGS AGAINST THE OFFICER/OFFICIALS  
CREATING DISTURBING ENVIRONMENT AT GOVERNMENT DEGREE  
COLLEGE KHAN KOHI (NOWSHERA)**

**CONDUCTED BY**

1. Zafar Iqbal (PCS EG BS-21),  
Secretary Science & Information Technology Khyber  
Pakhtunkhwa Peshawar
2. Prof. Dr. Abdur Rashad (Principal),  
Govt. Degree College Wadpagga Peshawar.

**ATTESTED**

  
Superintendent  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

INQUIRY REPORT

**SUBJECT: DISCIPLINARY PROCEEDINGS AGAINST THE OFFICERS/  
OFFICIALS CREATING DISTURBING ENVIRONMENT AT  
GOVERNMENT DEGREE COLLEGE KHAN KHOI(NOWSHERA)**

BACKGROUND:

Mr. Sher Bahadar Khan, Ex Principal Govt. Degree College Khan Khoi, Mr. Abid Hussain Associate Professor of Statistics at Govt. Degree College Khan Khoi and Mr. Ikram-Ullah Lecturer in Pashto, Govt. Degree College Khan Khoi were transferred from their station vide Provincial Government Notifications No. SO(E-I)/E&AD/9-88 dated 14-11-2017, SO (E-I)/E&AD/9-88/2017 Dated 13-6-2017 and SO(Colleges-II)/HED/2-2017/2870-2957 Dated 07-02-2017 respectively. The officers showed resistance in compliance of the order of the Provincial Government which put the educational atmosphere of the college into the state of disarray. Thus Department was compelled to initiate disciplinary proceedings against them and hence a summary was moved for the approval of the Competent Authority.

The Chief Secretary being the Competent Authority as per amendments in Khyber Pakhtunkhwa Govt. Servants (E&D) rules 2011 has constituted inquiry committee comprising of Mr. Zafar Iqbal OSD E&AD and Dr. Abdur Rashad Principal Govt. Degree College Wadpaggia vide Higher Education Archives & Libraries Department Letter No. SO(E-I)/HED 1-5 2018/Summary for CM/Sher Bahadar Dated Peshawar the 30/07/2018 Annex-4 to conduct a formal inquiry against the accused officers and to submit a report thereof to Department for appropriate necessary action.

Gist of charges: statement of allegations leveled against the accused officers are below

- i. The services of Mr. **Sher Bahadar** were placed at the disposal of FATA Secretariat and directed through reminders to comply the order, but due to non-compliance, he put the college environment in to state of disarray.
- ii. Mr. **Abid Hussain** and Mr. **Ikramullah** were transferred and consequently relieved by the Principal, but they showed resistance in implementing Govt. Orders, either by making one excuse or the other and thus put the whole college environment into a state of disarray.

**ATTESTED**

*[Signature]*  
Superintendent  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

PROCEEDINGS:

(35)

The enquiry committee communicated the charge sheet to the accused officers and directed to submit their written reply within the stipulated time mentioned in the charge sheet. Furthermore, they were also summoned to appear before the committee on 16-8-2018 (Annex-II) regarding charges leveled vide ibid charge sheet and statement of allegation. The Directorate of Higher Education was also asked to depute Departmental representative, along with relevant record to assist committee during inquiry proceedings. In compliance the accused officers submitted their written defense and are placed at Annex- III, Annex-IV and Annex-V.

The inquiry committee called the accused officers for personal hearing on 25-09-2018 as they have shown their desire to being heard in person. Statements of Departmental representative and the accused officers are reproduced below:

**I. STATEMENT OF DEPARTMENTAL REPRESENTATIVE MR. IMRAN ASSISTANT DIRECTOR DIRECTORATE OF HIGHER EDUCATION (ANNEX-VI)**

The Departmental Representative categorically informed that to maintain congenial environment in the College, these officers were transferred on administrative grounds.

**II. STATEMENT OF MR. SHER BAHDAR KHAN EX- PRINCIPAL GOVT. DEGREE COLLEGE KHAN KHOTI NOWSHERA (ANNEX-VII)**

He stated that he submitted his arrival to the FATA Secretariat on 20-11-2017 in compliance of Provincial Government Notification, however due to observance of procedural lacunas in the procedure adopted for the transfer, he submitted appeal to Chief Secretary for cancellation of his order as well as civil suit was also filed against the transfer order in the Civil Court Nowshera. Furthermore, shouldering of additional responsibilities for operationalizing newly established Govt. Girls Degree College Khan Khoti Nowshera was another reason which refrain him to take the charge within stipulated time period.

**ATTESTED**

*[Signature]*  
Superintendent  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

36

**III. STATEMENT OF MR. ABID HUSSIAN ASSOCIATE PROFESSOR OF STATISTICS (BS-19) GOVT. DEGREE COLLEGE DAGGAR MUNIR (ANNEX-VIII)**

In his statement, he clearly shows his ignorance about his transfer, as no such Notification has been shared with him due to ongoing summer vacation in the college. Furthermore, he submitted an application to the Secretary Higher Education for release of his salary which was stopped by the college administration by relieving him in absentia on 1-7-2017. The application was entertained on 19-4-2018 and in compliance, he left the charge at GDC Khan Kohi Nowshera on 11-5-2018.

**IV. STATEMENT OF MR. IKRAM ULLAH LECTURER IN PASHTO GOVT. DEGREE COLLEGE KHAN KHOI PESHAWAR (ANNEX-IX)**

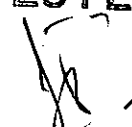
The accused officer was of the view that his transfer was against the prevailing policy as he only spent year and half in the said college. Aggrieved of the situation filed an appeal against the Transfer Notification in the Civil Court Nowshera on 10-02-2017 whereby the august court has issued temporary injunction in favour of him. Furthermore, the incumbent also approached the Khyber Pakhtunkhwa Service Tribunal for relief and the case is still pending there and the tribunal has also directed to maintain the status quo. He also expressed his concerns over his personal and family security from the militants being the domiciled of District Bajur. Later on keeping in view the best interest of the public he relinquished the charge from the post of Lecturer at Govt. Degree College Khan Kohi Nowshera on 07-09-2018.

**FINDINGS:**

The committee perused the available record, and the arguments submitted by the accused officers and ascertain the following factual positions

Mr. Sher Bahadar Khan Ex- Principal Govt. Degree College Khan Kohi could not assume the charge at FATA within the stipulated time period, as Civil Court Nowshera has suspended the order of the Provincial Government. Meanwhile he filed an appeal to the Chief Secretary Khyber Pakhtunkhwa for non-observance of requisite procedure for transfer from sent to FATA. Later on he withdrawn his case from the court on 6-2-18 and relinquished the charge on 18-04-2018 from the post of Principal Govt. Degree College Khan Kohi (Nowshera) after a lapse of almost two and half month. The charge against the accused officer has partially been proved.

**ATTESTED**

  
Superintendent  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

(37)

Mr. Abid Hussain Associate Professor of Statistics BS-19 Govt. Degree College Daggar Buner, try to dodge the committee by presenting his ignorance regarding his transfer, however, during the course of cross questioning and the perusal of the record available with the Departmental Representative, it was clearly observed that accused officer was well aware of his transfer. He approached different quarters for the cancellation of his transfer as well as release of salary (**Annex- X & Annex-XI**) before complying the orders of the Provincial Government. The charges against the accused officer have been proved.

The committee also explored the claim of the Mr. Irifanullah Lecturer in Pashto BS-17 Govt. Degree College Khan Kohi Nowshera that temporary injunction has been issued in favor of him by the Civil Court Nowshera against his transfer is baseless, however, it has been acknowledged that Khyber Pakhtunkhwa Service Tribunal has granted status quo in favor of him on 24-5-2017. Although the officer concerned has complied the orders of the Provincial Government on 07-09-2018 by relinquishing the charge from the post of Lecturer in Pashto at Govt. Degree College Khan Kohi Nowshera, however, the case is still pending in the Khyber Pakhtunkhwa Service Tribunal, Peshawar. The charges against the accused officer have been proved.

#### RECOMMENDATIONS

Since the charge against Mr. Sher Bahadar, Principal has partially been proved, therefore minor penalty of "Censure" is recommended. So far as Mr. Abid Hussain and Ikramullah is concerned, the charges against both the accused have been proved as they have not complied with the order of Provincial Government, therefore minor penalty of withholding of 02 increments for the period of 02 years is recommended to be imposed upon both the accused officers.

Mr. Zafar Iqbal (PCS) (BS-21)  
Secretary  
Science & Information Technology  
KPK, Peshawar

Prof. Dr. Abdur Rasheed  
Principal  
GDC Wazirpur, Peshawar

Superintendent  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION ARCHIVES &  
LIBRARIES DEPARTMENT  
CIVIL SECRETARIAT

Dated Peshawar the 29/05/2019

**NOTIFICATION**

NO.SO(C-I)/HE/1-2/Summary for CM/2016/Ikram Ullah WHEREAS Mr. Ikram Ullah, Lecturer (BPS-17) of Pashto, Government Degree College, Kalaya, Orakzai was proceeded under the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules 2011, for the charges mentioned in the Charge Sheet and Statement of Allegations.

2453-55

S#	Name & Designation	Penalty Imposed
1	Mr. Ikram Ullah, Lecturer (BPS-17) of Pashto, Government Degree College, Kalaya, Orakzai.	"Withholding of two increments for two years"

- AND WHEREAS show cause was served upon the accused officer.
- AND WHEREAS the Inquiry officer after having examined the charges, evidence on record and explanation of accused officer, submitted report.
- NOW THEREFORE, the Chief Minister, Khyber Pakhtunkhwa being Competent Authority afforded an opportunity of personal hearing to the accused officer with Mr. Mukhtiar Ahmad, Secretary to Government of Khyber Pakhtunkhwa, Information & PRs Department, while exercising the powers conferred upon him under Rule-4 (1) (a) of the Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion & Transfer) Rules-1989, has been pleased to impose and confirm minor penalty of "Withholding of two increments for two years" upon the accused with immediate effect.

SECRETARY  
HIGHER EDUCATION DEPARTMENT

**ENDST: NO. & DATE EVEN.**

Copy forwarded to the

- Director, Higher Education Khyber Pakhtunkhwa, Peshawar.
- Principal, Government Degree College, Kalaya, Orakzai.
- District Accounts Officer, District Orakzai Merged Area.
- Mr. Ikram Ullah Lecturer (BPS-17) of Pashto, Government Degree College, Kalaya, Orakzai.
- PS to Secretary to Govt. of Khyber Pakhtunkhwa, Information & PRs Department.
- PS to Secretary to Govt. of Khyber Pakhtunkhwa, Higher Education Department.
- Master File.

*hiaz*  
(RIAZ)

SECTION OFFICER (COLLEGES-I)

ATTESTED

Superintendent  
Directorate of Higher Education  
Khyber Pakhtunkhwa Peshawar

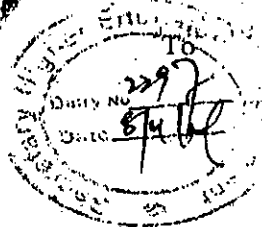
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3920

GOVERNMENT OF KHYBER PAKHTUNKHWA  
INFORMATION & PUBLIC RELATIONS  
DEPARTMENT  
091-9223527

1060/

No. SO.Estt:(INF) 4-115/2017/Enquiry  
Dated Peshawar the 05<sup>th</sup> April, 2019



The Secretary to Government of Khyber Pakhtunkhwa,  
Higher Education Department,  
Peshawar.

Subject: PERSONAL HEARING IN C/W DISCIPLINARY PROCEEDINGS AGAINST  
THE OFFICERS/OFFICIALS CREATING DISTURBING ENVIRONMENT AT  
GOVERNMENT DEGREE COLLEGE, KHAN KOHI (NOWSHERA).

Dear Sir,

I am directed to refer to this Department letter of even number dated 29-03-2019 on the subject noted above and to state that due to non availability of complete record of the subject case with the Departmental representative, the personal hearing of the following officers could not be held. The same has now been rescheduled to be held on 11<sup>th</sup> April, 2019 at 1400 hours in the office of Secretary Information & PRs Department:-

- 1) Mr. Sher Bhadar, Professor of Statistics/Ex-Principal, Government Degree College, Khan Kohi, (Nowshera).
- 2) Mr. Abid Hussain, Associate Professor of Statistics, Government Degree College, Khan Kohi, (Nowshera).
- 3) Mr. Ikramullah, Lecturer in Pashto, Government Degree College, Khan Kohi, (Nowshera).



I am, therefore to request to kindly direct the above-mentioned officers of your Department to attend the office of Secretary Information & PRs Department, Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar on the above mentioned date for personal hearing. The Departmental representative may also be directed to attend the above said personal hearing alongwith complete record of the case.

Yours faithfully,

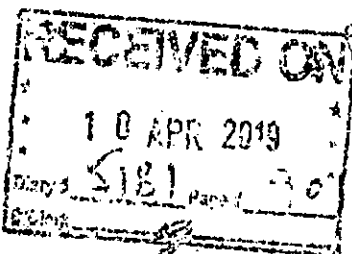
*[Signature]*  
Section Officer (Establishment)

Encl: of even No & date.

Copy of the above is forwarded for information to the P.S to Secretary, Information & PRs Department, Khyber Pakhtunkhwa.

*[Signature]*  
Section Officer (Establishment)


ATTESTED



Before the Chairman, People's Service Tribunal  
Peshawar

Ihsan Ullah - versus - Education Department

I have Received Rupee 1000  
Cost amount in the above mentioned  
Service Appeal No 1397/2019

  
Raza Khan  
Advocate



A<sup>3</sup> (5)

میرا لٹ

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 948/2019

Date of Institution ..... 19.07.2019

Date of Decision ..... 22.06.2020



Abid Hussain Associate Professor Government Degree College Daggar Bunir.  
... (Appellant)

**VERSUS**

Secretary Government of Khyber Pakhtunkhwa Education Department and two others.  
... (Respondents)

MISS. ROEEDA KHAN  
Advocate

... For Appellant

MR. ASIF MASOOD ALI SHAH,  
Deputy District Attorney

... For Respondents

MR. AHMED SULTAN TAREEN  
MR. ATIQ UR REHMAN WAZIR

... CHAIRMAN  
... MEMBER (E)

**JUDGMENT**

Mr. ATIQ UR REHMAN WAZIR MEMBER (E): - Brief facts of the case are that the appellant while serving as Associate Professor in a college was proceeded against on the charges of misconduct and charge sheet/statement of allegations to this effect was issued containing the allegations of misbehavior with college administration, abusive language and hatching conspiracies against the principal of the college. The appellant responded to the charge sheet, thereafter proper inquiry was conducted and Show Cause Notice was served upon the appellant on 08-01-2018, which was also responded on 22-10-2018, resultantly minor penalty of withholding of two increments for two years was

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**ATTESTED**

Secretary  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

imposed upon the appellant vide order dated 10-01-2019. Feeling aggrieved, the appellant filed departmental appeal dated 21-02-2019, which was rejected by the competent authority on 31-05-2019, hence the instant service appeal with prayers that impugned orders dated 10-01-2019 and 31-05-2019 may be set aside and his increments may be restored along with all back benefits.

02. Written reply/comments were submitted by respondents.

03. Arguments heard and record perused.

04. Learned counsel for the appellant contended that mandatory provisions of law and rules have badly been violated by the respondents and the appellant has not been treated according to law as the appellant did nothing wrong, which amounts to misconduct. Learned counsel for the appellant contended that no allegations has been proved against the appellant through evidence by the inquiry officer, on the basis of which the appellant was penalized, which is unlawful. Reliance was placed on 2020 SCMR 1245. Learned counsel for the appellant explained that no opportunity of defense and personal hearing as well as opportunity to cross-examine witnesses has been provided to the appellant. On the question of limitation, learned counsel for the appellant referred to the judgment of the Apex Court in 2009 PLC (CS) 178, where the appellant have a continuous cause of action, as he has been deprived extension of his pay by curtailing his increments. That the whole proceedings are based on malafide of the respondents and is contrary to the norms of natural justice, which is evident from the fact that the impugned order dated 10-01-2019 was passed by an incompetent authority, which makes the whole proceeding void ab-initio in the eyes of law. Learned counsel for the appellant prayed that the impugned orders

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SECRETARY  
GOVERNMENT OF PUNJAB  
LAW DEPARTMENT

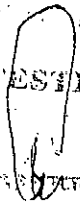
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dated 10-01-2019 and 31-05-2019 may be set aside and his increments be restored with all back benefits.

05. Learned Deputy District Attorney appeared on behalf of official respondents contended that departmental appeal of the appellant is time barred by 11 days and where departmental appeal is barred by time, the service appeal before the Tribunal is not competent. Reliance was made on 2004 SCMR 1426. Learned Deputy District Attorney further added that the appellant was proceeded against in accordance with law and every opportunity of defense was afforded to the appellant. Learned Deputy District Attorney contended that the appellant joined the proceedings and responded to the charge sheet/statement of allegations as well as Show Cause Notice. That the inquiry conducted so clearly manifests that charges against the appellant were partially proved. learned Deputy District Attorney prayed that the instant appeal being devoid of merit may be dismissed.

06. We have heard learned counsel for the parties and perused the record. Record reveals that the appellant was proceeded against on the charges of rude behavior, insubordination, hatching conspiracies against principal and abusive language, which are very general in nature and the inquiry committee in its report have admitted that such charges cannot be reduced to a measurable specific frame to prove or disprove in the process of inquiry. In spite of the fact that no specific allegations were proved through evidence against the appellant, the imposition of penalty smacks malafide on part of the respondents. The inquiry so conducted is also replete with deficiencies, as the appellant was not afforded with the opportunity to cross-examine witnesses. We have noticed that

there was a tug of war between the principal and the appellant, which

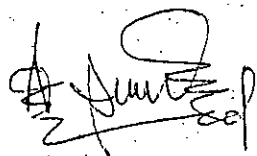
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culminated into submission of complaints against each other to the competent authority and ultimately, one of them i.e. the curse of such campaign afflicted the appellant with imposition of penalty as impugned before us but which was not unwarranted being without a regular inquiry. We also would differ with the contention of the learned Deputy District Attorney about time of limitation, as the issue involves a continuous cause of action, involving monetary loss to the appellant, hence no limitation runs against the instant case.

07: For what has gone above, the instant appeal is accepted as prayed for. Consequently, both the impugned orders are set aside with direction for restoration of appellant's increments with back benefit. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
22.06.2020



(AHMED SULTAN TAREEN)  
CHAIRMAN



(ATIQ UR REHMAN WAZIR)  
MEMBER (E)

Certified to be true copy

Atiq Ur Rehman Wazir  
Deputy District Attorney  
Peshawar

Date of Presentation of Application	2/7/2020
Number of Copies	2000
Copies	22 -
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Date of Delivery of Copy	8/7/2020

