

BEFORE THE HONOURABLE SERVICE
TRIBUNAL KPK PESHAWAR

Appeal No. 443/2022.

Rahim DadAPPELLANT.

Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 4639

District Accounts Officer Mansehra etc.....RESPONDENT.

Dated 31/3/2023

PARAWISE COMMENTS / WRITTEN REPLY ON
BEHALF OF RESPONDENTS 06

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5 *Authority letter*

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DISTRICT ACCOUNTS OFFICER
MANSEHRA

①

BEFORE THE HONOURABLE SERVICE
TRIBUNAL KPK PESHAWAR

Appeal No.443/2022.

Rahim DadAPPELLANT.

VERSUS

District Accounts Officer Mansehra etc.....RESPONDENTS.

PARAWISE COMMENTS / WRITTEN REPLY ON
BEHALF OF RESPONDENTS NO 6 ARE AS UNDER:-

Respectfully Sheweth:-

PRELIMINARY HEARING .

1. That the Appellant is not the aggrieved person.
2. That the Appellant is estopped by his own conduct.
3. That the Appellant has not come to the Hon'ble Tribunal with clean hand.
4. That the Appellant has no cause of action/locus standi to file the instant appeal.
5. That instant Appeal is against the prevailing law and rules.
6. That the Appellant has concealed the material facts from this Hon'ble Tribunal. Hence not entitled for any relief and appeal is liable to be dismissed without any further processing.
7. That the appeal is groundless and based on malafide, ulterior motive, hence the same is liable to be dismissed.
8. The instant appeal is not maintainable in the present form and also in the present circumstances of the issue.
9. That the demand of the appellant is against the law and facts hence the appellant is not entitled for any relief and appeal is liable to be dismissed on this score alone.
10. That the Appellant has not come to this Hon'ble Tribunal with clean hands, because, the appointment of the petitioner is fake, on the basis of fake appointment order and thereafter fake and fabricated inter district transfer order from District Battagram to District Mansehra of the appellant, hence the same is not maintainable in eye of law, is liable to be dismissed.

Facts:-

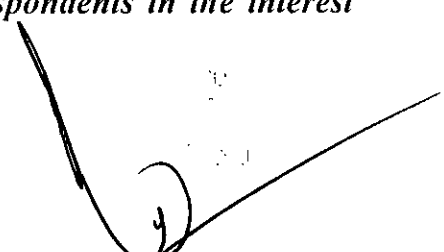
2

- 1) Para No.1 is incorrect, the appointment order of Petitioner is fake, fictitious, and the petitioner indulged himself into the Government Service fraudulently. On the basis of fake and fabricated appointment order the petitioner had fraudulently managed to activate his pay and allowances in District Battagram. The personal Number of petitioner has been allotted by the District Accounts Officer Battagram. The salary of the petitioner has been activated by the District Account Office Battagram through the SAP System "directly" by changing Pay Roll Area & Cost Centre in the SAP system i.e. without the intervention of District Account Office Mansehra. The respondent No.4 District Accounts Officer Mansehra taken up the matter with the District Accounts Officer Battagram vide letter & subsequent reminder (annexed as annexure-A). During the course of periodical reconciliation of Pay Roll with the DDO i.e. District Education Officer (Male) Mansehra (Respondent No.3) in the month of February 2015, the case of petitioner was traced out, whereupon the payment of salary of petitioner had been stopped in March, 2015. In such illegal appointments, the Respondent No.3 (DEO Male Mansehra) sent a letter for verification of appointment Order of the Petitioner to District Education Office Male Battagram as the petitioner was appointed in District Battagram vide their latter No. 6851 Dated 19-04-2018 as well as through reminder letter No.17889 Dated 07/12/2018 ,whereupon District Education Office Male Battagram (appointing authority) copies of reply alongwith enclosures of the District Education Officer (Male) Battagram is annexed as annexure-B. The report of the appointing authority clearly shows that the appointment order is fake and fabricated and has no value in the eyes of law. Now the case is Sub Judice in the NAB Court where all investigation including District Accounts Officer Battagram and other relevant offices have been carried out
- 2) Para No.2 pertains to Respondent No.03 However, detail has been given above.

- (3)
- 3) Para No.3 pertains to Respondent No.03 However, detail has been given above.
 - 4) Para No.4 is correct to the extent that the salary of the appellant has been stopped by this office (respondent No.06) with the consultation of Respondent No.04, due to faked and bogus appointment and transfers order, while rest of the Para is incorrect.
 - 5) Para No.5 Pertains to the record.
 - 6) Para No.6 pertains to Respondent No.02 to 05.
 - 7) Para No.7 pertains to Respondent No.02 to 05.
 - 8) Para No.8 pertains to Respondent No.02 to 05.
 - 9) Para No.9 pertains to Respondent No.02 to 05.
 - 10) Para No.10 pertains to record.
 - 11) Para No.11 pertains to Respondent No.02 to 05.
 - 12) Para No.12 pertains to Respondent No.02 to 05.
 - 13) Para No.13 pertains to Respondent No.02 to 05.
 - 14) Para No.14 pertains to Respondent No.02 to 05.
 - 15) Para No.15 pertains to Respondent No.02 to 05.
 - 16) Para No.16 Pertains to record.

PRAYER:-

It is therefore, humbly prayed that on acceptance of the above submissions, the instant appeal may very graciously be dismissed in the favour of the answering Respondents in the interest of the Justice.


District Accounts Officer,
Mansehra
Respondent No 06

**BEFORE THE HONOURABLE SERVICE
TRIBUNAL KPK PESHAWAR**

(4)

Appeal No. 443/2022.

Rahim Dad APPELLANT.

VERSUS

District Accounts Officer Mansehra etc.....RESPONDENT.

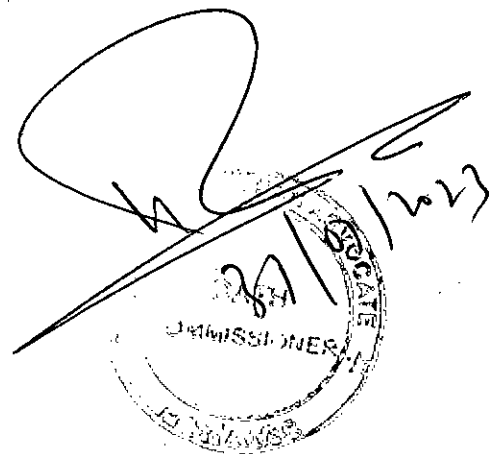
AFFIDAVIT

I, Raja Mubashir Hassan, Assistant Accounts officer on Behalf of District Accounts Officer Mansehra do, hereby solemnly affirm and declare that the Para wise comments of the Service Appeal No.443/2022 titled Rahim Dad versus District Accounts Officer Mansehra, is true to the best of my conviction and belief and nothing has been concealed from this Honorable Court.



Assistant Accounts Officer,
District Accounts Office,
Mansehra.

ATTESTED



Handwritten signature and circular stamp of the Commissioner. The stamp contains the text 'COMMISSIONER' and 'PESHAWAR'. There is also a handwritten date '28/12/23' next to the signature.

DISTRICT ACCOUNTS OFFICE, MANSEHRA.

No: DAO/Man/PR-II/IMU/2014-15/392- Dated: 25/04/2015.

"Confidential Matter"

To

Mr. Muhammad Ayaz,
District Accounts Officer,
Battagram.

Subject: **FRAUDULENT ACTIVATION OF PAY & ALLOWANCES
BY THE STAFF OF DAO BATTAGRAM**

Memo;

During the course of post audit it has been noticed that pay of following fake teachers has been activated in this district, detail as under, fraudulently by the Computer Staff of your Office through the User of Mr. Hamid (Sub Accountants);

S#	Name of fake teacher	Personal Number allotted by DAO Battagram	Date of fraudulent activation in district Mansehra	Cost Centre to which activated	User/Password	Amount drawn up to 28/02/2015
01	Mr. Waseem Nazir	692143	01/01/2015	MA 7166	MHAMID	Rs.42,662/=
02	Mr. Rahim Dad	718807	01/09/2014	MA 7166	MHAMID	Rs.140,319/=

2- It appears that activation of pay & allowances in above cases has been cleverly made in district Mansehra by changing the "Area Code" and "Cost Centre" without involving the local Office of Education Department Mansehra/DDO and presentation of Source-II Form.

3- The critical examination of cases do provide that there is chain of such persons involved in fraudulent practices and strong likely-hood of so many other cases, which if not brought to surface, will cause huge financial loss to public exchequer requiring registration of criminal cases against collaborators and beneficiaries.

3. It is requested that matter may kindly be inquired from the official/Officer of your office in depth and factual position be communicated to this office so that higher authorities could be informed for taking appropriate action under the rules.

4- The mater being most sensitive needs your personal attention please.

Enclosed: **As above:**

ATTESTED

District Accounts Officer

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Display Organizational Assignment

Org Structure

Personnel No	7189071	Name	RAHIM DAD
Find by	EE group 4 Vocational Tempo	Pers.area	Khyber Pakhtunkhwa
Pers	EE subgroup 15 Grade 15	Cost Center	MA7166 Govt Middle School (
Start	01.09.2014 to 30.09.2014	Chng	20.09.2014 MHRMID

Enterprise structure			
CoCode	N	Khyber Pakhtunkhwa	
Pers.area	N	Khyber Pakhtunkhwa	Subarea MA Mansehra
Cost Ctr	MA7166	Govt Middle School (Bus. Area 2102 DIR. OF SCHOOLS & LI..
Funds Ctr	MA7166	Govt Middle School (
Fund	NC21073	046	

Personnel structure			
EE group	4	Vocational Temporary	Payr.area MA Manshra
EE subgroup	15	Grade 15	Contract KP Gov.

Organizational plan		Administrator	
Percentage	100.00	Group	N
Position	00000002 Non-Gazetted	Fund Sect	001 Section 1
Job key	00000337 DRAWING MASTER	Payr Sect	002 Section 2
Org. Unit	60000003 Education Schools	Buckle No	
Org.key	MA		

SAP

ATTESTED



Display Organizational Assignment

Org Structure

Personnel No	E92143	Name	WASEEM NAZIR
Find by	EE group 4 Vocational Tempo...	Pers.area	N Khyber Pakhtunkhwa
Pers EE subgroup	15 Grade 15	Cost Center	MA7166 Govt Middle School (
Start	01.01.2015 to	31.01.2015	Chng 25.01.2015 MHRMID

Enterprise structure

CoCode	N	Khyber Pakhtunkhwa			
Pers.area	N	Khyber Pakhtunkhwa	Subarea	MA	Mansehra
Cost Ctr	MA7166	Govt Middle School (Bus. Area	2102	DIR. OF SCHOOLS & LI.
Funds Ctr	MA7166	Govt Middle School (
Fund	NC21073	046			

Personnel structure

EE group	4	Vocational Temporary	Payr.area	MA	Manshra
EE subgroup	15	Grade 15	Contract	KP Gov.	

Organizational plan

Percentage	100.00	
Position	00000002	Non-Gazetted
Job key	00001052	P.E.T.
Org. Unit	60000003	Education Schools
Org.key	MA	

Administrator

Group	N
Fund Sect	001 Section 1
Payr Sect	001 Section 1
Back No	

Handwritten signature

ATTN: *Handwritten signature*

DISTRICT ACCOUNTS OFFICE, MANSEHRA.

No: DAO/Man/PR-II/IMU/2014-15/

Dated: 8 / 05 / 2015

To

Mr. Muhammad Ayaz,
District Accounts Officer,
Battagram.

Subject: 1-VERIFICATION OF LPC/PERSONAL NUMBER OF MR.SAQIB HABAIB CT GHS BATEELA (NOW GHS PARIS MANSEHRA)

2-FRADUALANT ACTIVATION OF PAY &ALLOWANCES BY THE STAFF OF DAO BATTGARM

Memo;

Please refer to this office confidential letter No. DAO/Man/PR-II/IMU/2014-15/392 and letter No. DAO/Man/PR-II/IMU/2014-15/ 393 dated 23/04/2014, on the subject captioned above.

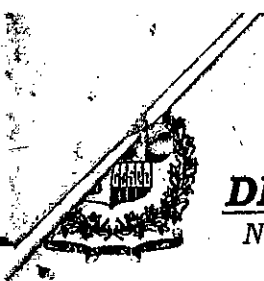
2- The reply, in both the cases, is still awaited. The same is needed to be expedited because this office has to submit a complete case before higher authorities for necessary proceedings.

3- The matter, being very sensitive in its nature, needs your personal attention. It is again been requested that reply may be ensured within 3 days of receipt of this letter failing which this office will be left with no other option except to bring the matter, (in its present status) into the notice of the A.G. KPK and Secretary Finance Department for taking appropriate action.

ATTESTED

District Accounts Officer

District Accounts Officer
Mansehra



Signature
(3)

Computer Lab : 0997-920134
DAO, Audit Wing & Fax : 0997-920135
Treasury Wing: 0997-920136

(9)

DISTRICT ACCOUNTS OFFICE, MANSEHRA.

No: DAO/Man/PR-II/IMU/2014-15/ 431 Dated: 01/06/2015

"Reminder-III (Final) "

To

Mr. Muhammad Ayaz,
District Accounts Officer,
Battagram.

Subject:

1-VERIFICATION OF LPC/PERSONAL NUMBER OF MR.SAQIB HABAIB CT GHS BATEELA (NOW GHS PARIS MANSEHRA)

2-FRADUALANT ACTIVATION OF PAY &ALLOWANCES BY THE STAFF OF DAO BATTGARM

Memo;

Please refer to this office confidential letter No. DAO/Man/PR-II/IMU/2014-15/392 and letter No. DAO/Man/PR-II/IMU/2014-15/ 393 dated 23/04/2014, followed by Reminder bearing No 405 dated 14/05/2015, on the subject captioned above.

2- The reply, in (both the cases), is still awaited. The same is needed to be expedited because this office has to submit a complete case before higher authorities for necessary proceedings.

3- The matter, being very sensitive in its nature, needs your personal attention. It is again been requested that reply may be ensured within 3 days of receipt of this letter failing which this office will be left with no other option except to bring the matter, (in its present status) into the notice of the A.G. KPK and Secretary Finance Department for taking appropriate action.

Signature
TESTED

District Accounts Officer
Mansehra
District Accounts Officer
Mansehra

DISTRICT ACCOUNTS OFFICE, MANSEHRA.

NO: DAO/Man/Ombudsman File/2015-16/ 65 dated 13 /08/2015

"Last Reminder"

To

The District Accounts Officer,
Battgarm.

Subject: FRADULANT ACTIVATION OF PAY &
ALLAOWNCES BY THE STAFF OF DAO
BATTGARM.

Memo;

Please refer to this office letter No. DAO/Man/PR-II/IMU/2014-15/392 dated 23/04/2015 followed by Reminder bearing No.DAO/man/PR-II/IMU/2014-15/405 dated 08/05/2015, copy enclosed.

2- The reply in the matter is till awaited from the end of your office. The same may be expedited enabling this office to recover or otherwise the pay & allowances drawn by the recipients in this case.

3- It is emphasized that due attention may be given to this issue falling this office will be left with no option except to refer the case to higher authorities for probe into and taking appropriate action.


ATTESTED


District Accounts Officer
Mansehra

OFFICE OF THE DISTRICT

EDUCATION OFFICER (MALE)
BATTAGRAM

Email: emisbattagram@gmail.com Ph# 0997-543539/ 543540



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No. 9548 A /EB-II verf:

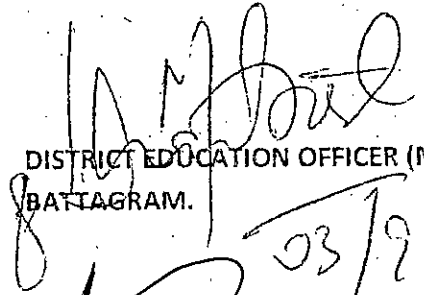
Dated 3/9 /2018

To,
The District Education Officer,
(Male) Mansehra.

Subject:- VERIFICATION OF APPOINTMENT ORDER & PAGE NO.2-5 OF SERVICE BOOK.

Memo:-

After checking the record of this office it has been observed that namely Mr:Rahim Dad S/O Mohib Gul has not been appointed by this office nor he performed duty at GHS Asharban, as per report of HM concerned (copy of Original appointment and report of HM is attached).


DISTRICT EDUCATION OFFICER (M)
BATTAGRAM.


ATTESTED

03/9/18

Office of the Head Master GHS Ashar Ban Alai

Dated: 28-06-2018

To,

CR # 208

The DEO (M)

Battagram

Subject: Verification of Appointment Order and
page # 2-3 of Service Book.

Reference to the cited above Mr. Rahim Dae
S/O Mohib Gul DM is not found in the
record of GHS Ashar Ban Alai in

1. Teacher statement
2. payrolls
3. Attendance Registers
4. charge report etc

Attested
Janar
ATTESTED

Head Master
GHS Ashar Ban Alai
Battagram

28-06-2018

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) BATTAGRAM.

66
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OFFICE ORDER/APPOINTMENT

Consequent upon the recommendation/ approval of the District selection Board BATTAGRAM in its meeting held on 27.12.2012, the Competent Authority is pleased to appoint the following fresh trained Male DM candidates on merit having the prescribed qualification in BPS 15 (Rs. 8500-700-29500) plus usual allowances as admissible under the rules against the vacant post of DM (Male) mentioned against each their names on regular basis under the existing policy of the Provincial Govt. on terms and conditions given below with effect from the date of their taking over charge in the interest of public service.

S.No	Candidate Name	Father's Name	Qualification	Score	Address	School/Station where posted	Remarks
1	Naseer Ahmad	Sher Dad	MSc DM	80.36	Ajnera Batagram	GHS Surgai	Against V/Post
2	Salih Ahmad	Rahim Gul	M.A DM	59.47	Pashto Allai	GMS Kosh Gram	-do-
3	Khurshid Ali Khan	Ahmad Rizwan	M.A DM	59.37	Rup Kani Allai	GHS Karag	-do-
4	Saeed	Hazrat Alam	M.A DM	57.85	Thakot Batagram	GMS Bateela	-do-
5	Satara Khan	Abdur Rehman	M.A DM	55.11	Kohani Batagram	GHS Ashar Ban	-do-

TERMS AND CONDITIONS:

- 1- Their services will be considered regular but without pension & gratuity in terms of section-19 of the NWFP Civil Servant Act, 1973 as amended vide NWFP Civil Servant (Amendment) Act, 2005. They will however be entitled to Contributory Provident Fund in Such a manner and at such rates as prescribed by the Government.
- 2- The appointees who are already in Govt. service and working against a pensionable post on regular basis before 1st day of July 2001 without any service break, on application to the Competent Authority/this office through proper channel are appointed and allowed choice of option either to retain benefit of pension and gratuity as allowed to them under their previous terms of appointment or to avail the benefit of contributory provident fund allowed to them under new appointment.
- 3- Their services are liable to termination on one month's notice from either side. In case of resignation without notice, their one month's pay/allowances shall be forfeited to the Government.
- 4- The appointees should join their posts within 15 days of the issuance of this order. The Head master Concerned would furnish a certificate to the effect that the candidates have joined the posts, otherwise after 15 days of the issuance of this Order, failing which their candidature will expire automatically and no subsequent appeal etc shall be entertained.
- 5- They would be on probation for a period of one year extendable for another one year as provided in NWFP Appointment Promotion and Transfer Rules 1989.

[Handwritten Signature]

- 65
- 6- They will be governed by such rules and regulations as may be issued from time to time by the Government.
 - 7- Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they will be proceeded against under the (E&D) Rules 2011 and the Rules framed from time to time.
 - 8- They will not contribute any amount towards GP Fund; however contribution towards CP fund will be made as per rules.
 - 9- They would produce age and health certificate from the concerned Medical Authority.
 - 10- If the documents/domicile of the appointee found fake/bogus at any stage, He will be removed from the service immediately and a case will be registered against him in the Anticorruption department.
 - 11- The DDO concerned will not activate the pay of the appointees till the verification of all the relevant documents.
 - 12- The Competent Authority reserves the right to rectify the errors and omissions if any noted at any stage in the instant order issued erroneously.
 - 13- No TA/DA will be allowed to the appointees for joining their duty.
 - 14- Charge report should be submitted to all concerned.

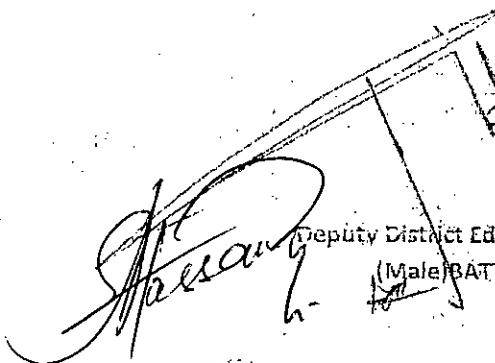
Muhammad Saeed
District Education Officer
(Male) BATTAGRAM.

✓ Endst: No. 8178-83

Dated: 11/03/2013

Copy to the:-

- 1- Director E&SE Department Khyber Pakhtunkhwa Peshawar.
- 2- The Deputy Commissioner Battagram.
- 3- District Officer (F&P) Battagram.
- 4- District Accounts Officer Battagram.
- 5- All Headmasters of concerned schools.
- 6- Candidates concerned.
- 7- Office File.


Deputy District Education Officer
(Male) BATTAGRAM.

ATTESTED



(13)

office of the
DISTRICT ACCOUNTS OFFICER
MANSEHRA
Phone # 0997-920135

No.DAO/MA/2022-23

DATED

The Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar

SUBJECT: **AUTHORITY LETTER**

Memo:

It is to inform that Raja Mubashir Hassan, Assistant Accounts Officer (BPS-17) of this office is here by authorized to appear before this court on behalf of undersigned in case titled Rahim Dad Khan VS District Accounts Officer Mansehra & Others in appeal no 443/2022


District Accounts Officer
Mansehra