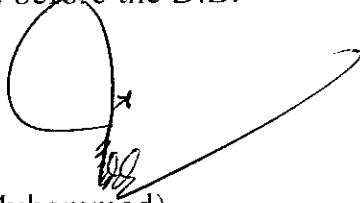


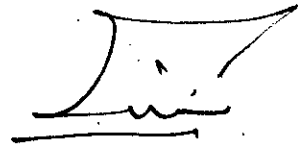
11.10.2022

Appellant alongwith his counsel present. Mr. Muhammiad Riaz Khan Painsdakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant sought short adjournment for preparation of arguments. Adjourned. To come up for arguments on 07.11.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

07.11.2022

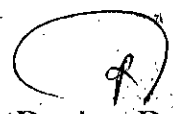
Junior to counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Former requested for adjournment due to engagement of learned senior counsel for the appellant in Honourable Peshawar High Court. Adjourned. To come up for arguments on 04.01.2023 before the D.B.

SCANNED
POST
Peshawar



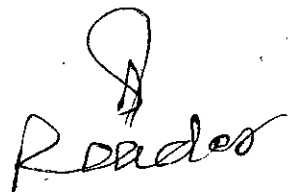
(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

4-1-23

Due to Rush of work therefore
case is adjourned to 13-4-23




Reader

23.05.2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Previous date was changed on the strength of Reader note, therefore, notice be issued to the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments on 04.07.2022 before S.B.


(Mian Muhammad)
Member (E)

04th July 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Despite three opportunities given to the respondents, they have not submitted reply. The respondents are given last opportunity to submit reply within 07 days from today, failing which their right to file reply shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B. on 11.10.2022.


(Kalim Arshad Khan)
Chairman



31.01.2022

Counsel for the appellant is present. Preliminary arguments have been heard.

Points raised need consideration. The appeal is admitted for regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 31.03.2022 before S.B.

Appellant Deposited
Security & Process Fee

10/2/22


Chairman

31.03.2022

Appellant alongwith his counsel present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Jehanzeb, Supdt and Mr. Tariq Amin, Assistant Professor on behalf of respondent No.3 present.

Written reply/comments on behalf of respondents not submitted. Representative of the respondents seeks time to submit the same on the next date. Adjourned. To come up for written reply/comments on 20.05.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER(E)



SCANNED
KPST
Peshawar

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 142/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/01/2022	<p>The appeal of Mr. Muhammad Nisar presented today by Syed Noman Ali Bukhari 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;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>31-1-2022</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2022

Muhammad Nisar

V/S

Govt of KP


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5.	Copy of charge sheet and reply	C & C1	13-15
6.	Copy of application	D	16
7.	Copy of application	E & E1	17-18a
8.	Copy of impugned order	F	18
9.	Copy of departmental appeal	G	19
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APPELLANT

Muhammad Nisar

Through Counsel


SYED NOMAN ALI BUKHARI
Advocate High Court

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

Appeal No. _____/2022

Muhammad Nisar S/O Muhammad Yaqoob Resident of Mohallah Babu Street No.7, Haripur Associate Professor of Physics (BPS-19) Govt. Degree KTS Haripur under transfer Government Degree college Balakot -Mansehra

.....Appellant

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Higher Education Department Khyber Pakhtunkhwa Peshawar.
2. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
3. Principal Govt. Degree College KTS, Haripur

.....Respondents

SERVICE APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL, ACT 1974 AGAINST THE IMPUGNED NOTIFICATION NO. SO(C-I)HE/1-1/2021 DATED 30.12.2021 ISSUED BY RESPONDENT NO.1 TO IMPOSE MAJOR PENALTY OF COMPULSORY RETIREMENT FROM SERVICE UNDER RULE 14 OF THE KPK SERVANT (EFFICIENCY & DISCIPLINE) RULES, 2011 IS ILLEGAL, UNLAWFUL, MALAFIDE, WITHOUT LAWFUL AUTHORITY, WITHOUT JURISDICTION, ARBITRARY, PERVERSE, CAPRICIOUS, FANCIFUL AND CONSEQUENTLY OF NO LEGAL EFFECT UPON THE RIGHT OF APPELLANT AND AGAINST THE REJECTION ORDER DATED 25.01.2022 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED WITHOUT SHOWING ANY REASON.

PRAYER:

ON ACCEPTANCE OF SERVICE APPEAL, THE IMPUGNED NOTIFICATION # SO (C-I)HE/1-1/2021 DATED 30.12.2021 ISSUED BY RESPONDENT NO.1 AND 25.01.2022 MAY

(2)

KINDLY BE SET ASIDE AND TRANSFER ORDER OF APPELLANT FROM GOVT. DEGREE COLLEGE KTS HARIPUR TO GOVT. DEGREE COLLEGE BALAKOT, MANSEHRA MAY GRACIOUSLY BE CANCELLED BEING PREMATURE. ANY OTHER RELIEF DEEMED FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE.

Respectfully Sheweth:-

Brief facts giving rise to the present appeal are arrayed as under :-

1. That the appellant is the permanent employee of KPK Higher Education Department and presently serving as Associate Professor, (BPS-19) of Physics at Govt. Degree College KTS Haripur.
2. That appellant performed his duty with quite honesty through- out his service.
3. That the appellant transferred from Govt. Degree College KTS to Balakot Mansehra but the respondent No.3 issued relieving chit on 23-09-2021 and applicant on the letter of respondent No.2 again relieved from the college on 30.09.2021 but the relieving chit has not handed over to the applicant. All this caused the appellant to suffer heart attack as mentioned in appeals to Secretary Education and ultimately politically victimized. The appellant attended college up to 30.11.2021 to receive the relieving chit, as per order of respondent No.3 the security Guard at gate stopped the appellant and closed the gate and said that " your entry is banned as per order of Respondent No.3. (Copies of relieving chis are annexed a Annexure "A".
4. That appellant submitted an application to respondent No.1 regarding the behavior of respondent No.3. Copy of application is annexed as Annexure "B".
5. That the appellant illegally; unlawfully, against the rules, policy has been transferred whereas the appellant normal tenure has not been completed with malafide intention.
6. That during service a charge sheet was given to the appellant on 17.02.2021 which was received on 19.02.2021 and appellant properly replied to charge

sheet and denied the allegations. Copy of charge sheet and reply is annexed as Annexure " C & C1".

7. That in the light of charge sheet an inquiry was conducted on 27.04.2017 which was cancelled and the said inquiry was reconducted on 15.02.2018 in which the appellant provided brief explanation for all the allegations in said charge sheet verbally and written i.e i, ii, iii and iv and stood cleared by the inquiry committee.
8. That after three years raising again these allegations leveled against the appellant, whereby the appellant depressed badly and vital proof of evidence to damage my service by a mafia, which was reported to the Secretary Education through several applications and also to chief Secretary. Copies of appeals are annexed as Annexure "D".
9. That Khawaja Saqib, Asstt. Director in Directorate told the appellant that the report of reconducted inquiry on 15.02.2018 conducted by Prof. Niaz Muhammad and Prof. Raza Shah at GDC Khanpur was lost by Directorate. Misplaced of this inquiry report was clearly mentioned in application to Secretary Education Dated 26.07.2021. Copy of application is annexed as Annexure "E ".
10. That an inquiry was conducted, the applicant has not informed in time, all the correspondence was made through Principal GDC Balakot Mansehra whereas the appellant was serving at GDC KTS, Haripur where respondent No3 has deliberately been withheld the relieving chit.
11. That later on, the appellant had informed by the PS to Secretary Zakat Peshawar through real brother of appellant regarding personal hearing but the PS to Secretary with the connivance of Directorate had not informed date of hearing 14.12.2021 in time due to which the appellant was unable to appear the inquiry committee.
12. That inquiry committee comprising Asghar Ali Secretary population and Prof. Nasrullah Ex-Principal GC Peshawar was constituted to conduct the inquiry into the allegations. But the appellant was not informed about the date of this inquiry in time as reported by him - Annexure "E1".
13. That inquiry committee after having examined the charges, evidence on record submitted his report in which the inquiry committee also mentioned

that an opportunity of personnel hearing to the appellant was given thrice but appellant failed which is absolutely incorrect.

14. That on the report of inquiry committee the learned respondent No.1 has illegally, unlawfully and against the rules and regulation been imposed major penalty of compulsory retirement from service by exercising power under Rule 14 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules 2011 vide Notification No. SO (C-1) HE/1-1/2021 Dated 30.12.2021 without giving response to appeal to Chief Secretary dated 23-02-2021 marked to responded No 1 and handed over to respondent No.1 by appellant. The vital proof is the posted letter for personnel hearing by Directorate stamped on 14.12.21 by GPO Haripur showing it reached at post office on 14.12.21 and then received by appellant whereas the date for personal hearing was also fixed on 14.12.21 at 11.AM. **Copy of impugned order is attached as annexure-F.**

15. That feeling aggrieved from the impugned notification, the appellant submitted departmental appeal for setting aside the impugned notification regarding compulsory retirement carried out proceeding one-sided before Respondent No.1 but in vain. The same was also rejected vide order dated 25.01.2022. **copy of departmental appeal and rejection order is attached as annexure-G & H.**

16. That feeling aggrieved from the impugned notification regarding compulsory retirement of appellant, the appellant has come to this Honourable Court, assailing the impugned notification dated 30.12.2021 being unwarranted at law and facts, inter-alia on the following grounds many others:-

GROUND OF APPEAL:-

A. That the impugned notification of compulsory retirement illegal, against the law, facts and circumstances of the case, hence not maintainable.

B. That respondent have not treated appellant in accordance with law, rules and policy on the subject and acted in violations of service rules and unlawfully compulsory retired the appellant from service on the on the basis of one-sided inquiry report which is unjust, unfair, illegal

and hence not sustainable in the eye of law.

- C. That no personally hearing chance has been given to appellant and the inquiry committee mentioned in his report that appellant has so called thrice for personal hearing which is incorrect, the appellant has not been informed regarding personal hearing with the connivance of Directorate which has resulted in serious miscarriage of justice, amounting to sheer discrimination on the part of respondents.
- D. That the charges leveled against the appellant were never proved in the enquiry, the enquiry officer gave his findings on surmises and conjectures.
- E. That the appellant have never committed any act or omission with bad or malafide intentions which could be termed as misconduct, albeit the appellant was dismissed from the service. Which is violation of reported judgment cited as 1997 PLC cs 564.
- F. That the appellant compulsory retired from service on the basis of charges leveled in charge sheet, in which the appellant has been declared innocent which was held at GDC Khanpur wherein provided brief explanation for all these allegations in said charge sheet verbally and written i.e. i, ii, iii and iv and stood cleared but the report was deliberately misplaced by Directorate as told by Khawaja Saquib Asstt. Director to appellant who mentioned this in appeal to Secretary Higher dated 26.07-2021. And reopened the inquiry on the same charges which is against the natural justice and also against the procedure laid down in the Efficiency and Disciplinary rules.
- G. That no proper regular inquiry was conducted only fact finding inquiry was conducted but the appellant not associated with the inquiry, neither the statement recorded in presence of appellant nor was the chance of cross examination provided to the appellant which is violation of Rule-10 (b) and Rule 11 (1) of the E&D Rules 2011, which were totally ignored before imposing punishment which is illegal and against the law, rules and natural justice. The same principle held in the Superior Court judgments cited as 2010 SCMR 1554, 2016 SCMR 108, 2009 PLC (cs) 19, 2008 SCMR 1369, 2009 SCMR 412, 2007 PLC cs 247 and 2008 PLC cs 1107.

H. That the opportunity of personal hearing and personal defense was not provided to the appellant which was violation of Rule 7(d) in case inquiry was not necessary and 14(5) of the E&D rules 2011 in case where inquiry is necessary. The same principle held in the Superior Court judgments cited as 2006 SCMR 1641. Copy of personal hearing documents is attached as annexure-I.

I. That the respondents have not adopted the procedure without hearing of appellant. One-sided proceeding was initiated with malafide intention, hence the act of respondents caused grave injustice to the appellant, and therefore, the impugned notification for compulsory retirement is liable to be set aside.

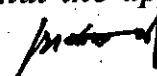
J. That the impugned notification issued by respondent No.1 is illegal, unlawful and against procedures and in contravention of the rules, hence the impugned notification is liable to set aside.

K. That no other efficacious, speedy or adequate remedy is available to the appellant except the instant appeal.

L. The valuable rights of the appellant are involved in the matter.


M. That the appellant seeks leave of this Honourable service Tribunal to agitate additional Grounds at the time of hearing of this Service Appeal.

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


APPELLANT

Muhammad Nisar

Through Counsel


SYED NOMAN ALI BUKHARI
Advocate High Court

7

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2022

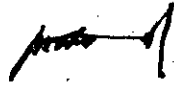
Muhammad Nisar

V/S

Govt of KP

CERTIFICATE:

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.



DEPONENT

LIT OF BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE.
3. Any other case law as per need.



(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

8

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2022

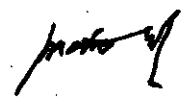
Muhammad Nisar

V/S

Govt of KP

AFFIDAVIT

I, MUHAMMAD NISAR, (Appellant) do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this honorable Tribunal.



DEPONENT

Muhammad Nisar

9

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

CM No.-----/2022

IN

Service Appeal No.-----/2022

Muhammad Nisar

V/S

Govt. of KPK etc

APPLICATION FOR SUSPENSION OF IMPUNGED
NOTIFICATION NO.SO(C-D)HE/1-1/2021 DATED 30.12.2021
ISSUED BY RESPONDENT NO.1 AND TRANSFER ORDER
DATED 10.09.2021 TILL THE FINAL DISPOSAL OF SERVICE
APPEAL.

Respectfully Sheweth:

1. That service appeal is being filed along with this application and this application may be treated as part and parcel of the service appeal.
2. That the Respondent No.1 has illegally and unlawfully been compulsory retired from service and also before retirement transfer appellant from GDC KTS Haripur to GDC Balakot with malafide intention.
3. That if the impugned notification of compulsory retirement and transfer has not been suspended then the appellant will suffer irreparable loss and resent service appeal will become infructuous.
4. That the balance of convenience also lies in favour of appellant.

Therefore it is humbly prayed that the impugned notification No.SO(C-I)HE/1-1/2021 dated 30.12.2021 issued by respondent No1 and transfer order of appellant from GDC KTS Haripur to GDC Balakot Mansehra may graciously be suspended and appellant be allowed to perform his duty at GDC KTS Haripur till the final disposal of service appeal.


APPELLANT

Muhammad Nisar

Through Counsel


SYED NOMAN ALI BUKHARI
Advocate High Court

A 10



OFFICE OF THE PRINCIPAL

**GOVT. AKHTAR NAWAZ KHAN (SHAHEED) DEGREE COLLEGE
KTS, HARIPUR**

Near Chandni Chowk, Sector No. 1, Khalabat Township, Tehsil & District Haripur
Phone: 0995-621918, Email: gdckts@gmail.com

Dated: 23.09.2021

RELIEVING CHIT

Mr. Muhammad Nisar Associate Prof of Physics (BPS-19) of this college has been transferred Govt. Degree College Balakot Manséhra vide. Secretary Higher Education Government of Khyber Pakhtunkhwa Notification No.SO(C-I)/HE/1-5/2021/Male /Posting-Transfer/Placement Committee dated 10.09.2021.

In compliance with the above notification of Secretary Higher Education, Khyber Pakhtunkhwa and Director Higher Education Khyber Pakhtunkhwa Peshawar letter No.20947-66 (CA-II Estt. /Placement Proposal dated 21.9.2021 Mr. Muhammad Nisar Associate Prof. of Physics is hereby relieved from his duties to day on 23.09.2021(AN). He is directed to report to the Principal Govt. Degree College Balakot, Manséhra for duty.

He availed 06(Six) casual leaves during the calendar year 2021

PRINCIPAL
GOVT. ANK(S) DEGREE COLLEGE,
KTS HARIPUR
Govt/ANK(S) Degree College
KTS Haripur



DIRECTORATE OF HIGHER EDUCATION

KHYBER PAKHTUNKHWA

Rano Garhi, Peshawar

Tel # 091-2650025 / 9330496

E-mail:- dhekokpesh@gmail.com Facebook.com/dhekokpeshawar Twitter.com/dhekokpeshawar

No. 95904 / CA-I/ Estt: Branch/A-12/Muht Nisar/Physics

Dated Peshawar the _____ / _____ /2021

11

To.

**REGISTERED
MOST IMMEDIATE**

Mr. Muhammad Nisar S/O Muhammad Yaqoob
Associate Professor of Physics
Street # 07, Babu Mohallah, Haripur.

SUBJECT ABSENT FROM DUTY W.E.F 01.10.2021.

Respected Sir, السلام عليكم

I am directed to refer to the subject cited above and to state that you have been transferred from Govt; Degree College, KTS, Haripur to Govt; Degree College, Balakot, Mansehra vide Notification No. SO (Colleges-I)/HE/1-5/2001Male/Posting/ Transfer/Placement Committee dated 10.09.2021. Despite the fact, that Principal Govt; Degree College, KTS, Haripur relieved you on 30.09.2021 (A.N) vide Endst; No. 194650 dated 02.10.2021, but as per report of the Principal, Govt; Degree College, Balakot, Mansehra you have not so far reported for duty at the College. The session is in full swing and the students are being suffered. badly due to non-availability of teacher in the subject of Physics. The Director, Higher Education, Khyber Pakhtunkhwa has taken a serious notice over this situation and has directed to take action under Rule-09 against you.

As sequel to the foregoing, you are directed to report for duty against your new assignment immediately under intimation to this office failing which ex-parte action will be taken against you under E&D Rules, 2011.

M. Nisar
ASSISTANT DIRECTOR (ESTT:)

Endst; No. _____/

Copy of the above is forwarded to the:-

1. PS to Secretary, Higher Education, Khyber Pakhtunkhwa.
2. Principal, Govt; Degree College, Balakot, Mansehra with reference to his letter No. 2316 dated 01.10.2021 with the remarks to intimate latest position in the matter accordingly.
3. PA to Director, Higher Education, Khyber Pakhtunkhwa.

ASSISTANT DIRECTOR (ESTT:)

B

12

To

The Secretary Higher Education,
Govt. of Khyber Pakhtunkhwa Peshawar.

Subject: APPEAL.

Respected Sir,

It is stated that Principal GDC, KTS and his some staff members Specially Mr. Hafeez DPE and Mr. Khalid A/P of Urdu Mr. Tariq lecturer exhibited clear wickedness with the support of Incharge Directors to stop me at gate by Guard on 30-11-2021 while I went to college for new relieving chit. This also shows that all that was done with me is due to conspiracy of these mentioned members who tried to manage such incidents already with Lab. Asstt. and even with students to dislocate me but I faced all these wisely. Incharge Director is committing offence to fix my inquiry for the allegations cleared in reconducted inquiry on 15-2-2018 again and again and losing this report deliberately as told telephonically by Khawaja Saquib mentioned in appl. dated 26-7-2021 submitted to your office. Also nominating non-neutral person, Khawaja Saquib in this inquiry showing his malafide.

It is, therefore, requested that action may be taken against those responsible for this incident as I was badly insulted by Guard on behalf of mentioned conspirators. This intensified my heart disease also caused me unable to assume my duty at GDC Balakot (As Principal relieved me once on 23-9-2021 and then on 30-9-2021 with letter dt 02-10-2021 and did not provide relieving chit), or to perform election duty or to appear before any inquiry committee and my immature transfer may be cancelled to discourage these mentioned conspirators.

Sir, my salary has been stopped for two months and I have to start my proper treatment after the solution of this conflict caused by Incharge Director. (photo-copy of application posted by TCS on 01-12-2021 to inform about incident on 30-11-2021 is attached).

Thanking You,

Dated: 22-12-2021

Cell: 0349-5777161

ABC

all
23/12/21

Yours faithfully,



Muhammad Nisar, Associate Prof. of Physics
GDC, KTS, Haripur


CHARGE SHEET

C (13)

I, Dr. Kazim Niaz, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Mr. Mohammad Nisar, Associate Professor of Physics (B-19), Govt; Akhtar Nawaz Khan (Shaheed), Degree College, KTS, Haripur as follows:

That you, while posted as Assistant Professor of Physics at Govt; Degree College, Khanpur, Haripur committed the following irregularities:-

- i. That you allegedly handed over class of 1st Year to the other teacher of Physics and changed the timings of class period of 3rd Year without taking him into confidence.
 - ii. That despite the fact that you were on causal leave on 19.11.2016 and 02.01.2017, yet you entered the attendance of the students on the every dates and thus bluntly violated the rules.
 - iii. That your attitude with the students and the staff was hostile/ arrogant due to which they had to lodge complaints against you.
 - iv. That you remained irregular/ unpunctual and least interested in performance of your duties. Because of your causal attitude towards performance of your duties, you failed to complete teaching/ practical work properly.
 - v. That a preliminary inquiry was conducted by Prof: Abdul Wahab, Ex-Principal, Govt; Post Graduate College, Haripur who in his inquiry report recommended to refer you to medical Board for medical examination to determine as to whether you were fit for duty or otherwise due to your distorted state of mind.
2. By reason of the above, you appear to be guilty of misconduct under rule 03 of the Khyber Pakhtunkhwa, Peshawar Govt; Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 04 of the Rule *ibid*.
 3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Enquiry Officer/ Committee, as the case may be.
 4. Your written defence, if any, should reach the Enquiry Officer/ Committee within the specific period, failing which it shall be presumed that you have no defence to put in and in that case *ex-parte* action shall be taken against you.
 5. Intimate whether you desire to be heard in person.
 6. A statement of allegations is enclosed.


(Dr. Kazim Niaz)
**CHIEF SECRETARY,
KHYBER PAKHTUNKHWA**

DISCIPLINARY ACTION

(14)

I, Dr. Kazim Niaz, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Mr. Mohammad Nisar, Associate Professor of Physics, Govt; Akhtar Nawaz Khan (Shaheed), Degree College, KTS, Haripur has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of rule 03 of the Khyber Pakhtunkhwa Govt; Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

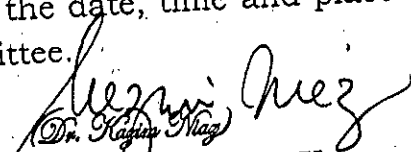
- i. That he allegedly handed over class of 1st Year to the other teacher of Physics and changed the timings of class period of 3rd Year without taking him into confidence.
- ii. That despite the fact that he was on causal leave on 19.11.2016 and 02.01.2017, yet he entered the attendance of the students on the very dates and thus bluntly violated the rules.
- iii. That his attitude with the students and the staff was hostile/ arrogant due to which they had to lodge complaints against him.
- iv. That he remained irregular/ unpunctual and least interested in performance of his duties. Because of his causal attitude towards performance of his duties, he failed to complete teaching/ practical work properly.
- v. That a preliminary inquiry was conducted by Prof: Abdul Wahab, Ex-Principal, Govt; Post Graduate College, Haripur who in his inquiry report recommended to refer him to medical Board for medical examination to determine as to whether he was fit for duty or otherwise due to his distorted state of mind.

2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/ inquiry committee, consisting of the following, is constituted under rule 10 (1) (a) of the ibid rules.

- i. Mr. Asghar Ali PCSG (Bs-20) Secy Repetition
- ii. Prof. Masrullah Khan Principal GC Pesh:

3. The inquiry officer/ inquiry committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/ inquiry committee.


CHIEF SECRETARY,
KHYBER PAKHTUNKHWA

The Chief Secretary,
Khyber Pakhtunkhwa Peshawar.

Sub; Appeal

Respected Sir,

In response of charge sheet on behalf of yours excellency conveyed to me by your deptt. Dated 17-2-21 received on 19-2-21 outside the college office (Photo-copy is attached).

It is stated that the inquiry conducted on 27-4-2017 was cancelled after being proved Prof.(retired) Wahab as non-neutral by Secretary Higher Education and the said inquiry was reconducted on 15-2-2018 in which I provided brief explanation for all these allegations in said charge sheet verbally and written i.e., i, ii, iii and iv and stood cleared by inquiry committee (Photo-copy of statement to inquiry officer is attached).

Now raising again these allegations after three years of this inquiry is completely injustice and cruelty as it depressed me badly and is a vital prove of evidence to damage my service by a maphia reported to Honourable Secretary Edu. through several appeals. In one of these I mentioned the incident of moral destruction in GPGC, Haripur due to Prof. Wahab. (Photo-copy of this appeal is attached).

Sir, at GDC, KTS, Haripur several attempts were made to damage my service and also to prove absurd recommendation (as most of our Prof.s are suffering from one or other disease and all could not be recommended to refer to medical board) by Prof. (ex) Wahab but I overcame all wisely. One of these was severe reported to Secretary Edu. Dt. 19-10-2020 (I failed this attempt at the cost of my insult for the holy respect of institution and I also told this to sp. Secretary verbally). Prof. Nasrullah, Principal, GDC, Faqirabad, Peshawar is non neutral being closed friend of Prof. Wahab.

As far my performance is concerned I rarely availed even casual leave at GDC, KTS during my more than three years duration inspite of hard and tense situation and I brought revolutionary steps for improvement as mentioned in appeals to Sec Edu. (Photo-copies of these appeals along with also a report from Girls College, Havalian are attached). Mr. Zahoor, incharge Director deserves to refer to medical board and he have rendered himself liable to penalties as he committed offence by misguiding and intimating higher authority to serve this charge sheet on the basis of non-neutral and cancelled inquiry. I shall be do heard in person.

It is, therefore, requested to make remedy for all this and take action against those who misguided to issue this charge sheet with allegations cleared by inquiry reconducted on 15-2-2018.

Thanking you,

Yours faithfully,

Dated; 23-2-2021

Muhammad Nisar, Associate Prof.
GDC, KTS, Haripur.

Handwritten notes:
C-1
pl check record
i then discuss
aliquota file is relevant
23/2
18

CHIEF SECRETARY
Govt. of Khyber Pakhtunkhwa

D 0 16

The Secretary Higher Education,
Govt. of Khyber Pakhtunkhwa Peshawar.

Subject: APPEAL

Respected Sir,

It is stated that a mafia made my transfer from GDC, Khanpur to GDC, Ghazi in connivance with Directorate in October 2017 on the basis of a conspiracy. I brought all the facts in the notice of Secretary, Higher Education then I was adjusted at GDC, KTS, Haripur temporarily. This mafia tried their best to return me back to GDC, Khanpur as whenever a post of Associate Prof. is available this mafia fill it by any way to prevent my access, i.e. by making adjusted Assistant Prof. against the available vacant post of Associate Prof. by passing me. Later on, this mafia made adjusted Mr. Ishtiaq against vacant post at GDC, KTS by higher edu Deptt. but a few days ago I was adjusted at GDC, KTS permanently by Establishment Deptt KPK and this mafia failed in his bad attempt.

At GDC, KTS, this mafia created as much difficulties as can as a revenge to dislocate me but I faced all these wisely and patiently reported all to your office through several applications. This mafia followed the same procedure to transfer me to Balakot as it did while I was transferred from GDC, Khanpur to GDC, Ghazi.


At GDC, KTS, I was served chargesheet on the basis of allegations cleared in inquiry reconducted on 15-2-2021. Also served show cause notice on behalf of honourable CH(Sb) on the basis of the same allegations. I have provided the reply of show cause notice and is awaiting for the opportunity of being heard in person. But Directorate transferred me to GDC, Balakot.

All this caused for my heart attack and Doctor advised me angiography for stunts. But as Directorate is trying to victimize me I kept myself on medication instead of stunts. However, I am not in a condition to leave my station as I am on life saving drugs.

It is, therefore, requested that kindly my immature transfer may be cancelled and let me allow at the same station till this.


Thanking You,

Yours faithfully,


Muhammad Nisar, Associate Prof. of Physics
GDC, KTS, Haripur

Dated: 16-11-2021

PL
53



To,
The Secretary, Higher Education,
Govt. of Khyber Pakhtunkhwa Peshawar.

①
E
② 17

Sub; Appeal.

Respected Sir,

It is stated that I am being constantly irritated by Mr Hafeez, DPE and Mr. Khalid (Sb), Assistant Prof. of urdu, DDO exercising all powers of Principal who visits college once per week or once per two weeks. Mr. Khalid is responsible for several irregularities which are not in the interest of institution and also students, these are;

- 1-Encouragement of cheating for female students in BS exam reported in Feb 2021 by male students to Seteriate. Peshawar.
- 2-Teaching of electronics to BS-Physics by one hired teacher and the practical's of same subject to other hired teacher.
- 3-only one chapter of electronics was covered of prescribed syllabus to BS-Physics semester-v.

4-HOD teaches electronics or quantum mechanics but here for these subjects teachers are hired which shows the incompetency of HOD.

Mr Khalid made several times conspiracy against me to dislocate me and also used to exercise mis-use of powers concerning me. On his advice my responsibilities are restricted to torture me mentally and also conceal mis use of powers. Directorate used to overlook such things.

Sir. Vaccine concerned notice was of dated 10-6-2021 but I was shown on 16-6-2021 on the direction of Mr. Khalid and there was shortage of vaccine after 12-6-2021. He also managed to damage my motor cycle several times. The severe conspiracy made was reported to yours office through application dated 19-10-2020. On 19-05-2021 from Directorate Saqib(sb) asked me on telephone about report of reconducted inquiry as they have lost it.

It is there fore, requested to let me perform my academic and administrative responsibilities which I deserve by rules violated by Directorate to minimize the above mentioned irregularities.

Thanking You,
Yours faithfully

Dated. 26-7-2021

Muhammad Nisar, Associate Prof. of Physics
GDC, KTS, Haripur

Sec - H. E
May kindly be
posted as principal
KTS college as per rules.

26-7-21
ABBARIA YOUS KHAN
Minister for LG&RB
Khyber Pakhtunkhwa

To,

The Secretary, Higher Education,
Govt. of Khyber Pakhtunkhwa Peshawar.

Subj: Appeal.

Respected Sir,

It is stated that I am constantly being teased by a mafia. In this connection I have already submitted two applications to your office, one on 23-2-2021 and other posted on 30-3-2021. I fell in fever on 10-4-2021. And by using paracetamol and ultimately with quinine fever ended.

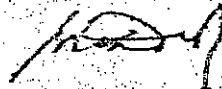
Sir, I received a letter after 12-4-2021 issued by our Directorate signed by competent authority on 9-5-2021 (which was not possible to receive before 12-4-2021) along with a letter from so called inquiry officer in which he acknowledged my request for personal hearing but he neglected the request of central importance for the partiality of Prof. Nasrullah a member of inquiry committee, who is head of the mentioned mafia. To fix 12-4-2021 for personal hearing in GC Peshawar (raises question on the partiality of this inquiry officer) while sanctions for covid-19 are imposed by NCOC and also demanding reply for allegations again and again for which explanation had been already provided on 15-2-2021 when inquiry was reconducted in GDC Khanpur for these allegations after 27-4-2021, is indeed an offence on behalf of this inquiry officer and also on behalf of those who assisted him.

It is therefore requested to take action against this and also requested to eliminate my feelings for the condition of insecurity.

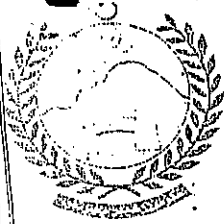
Thanking You,

Yours faithfully,

Dated 14-4-2021


Muhammad Nisar, Associate Prof. Of Physics

GDC, KTS, Haripur



F (18)

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

Dated Peshawar the 30th December, 2021

NOTIFICATION

1. So. SO(C-I)/HE/1-1/2021. WHEREAS, Mr. Muhammad Nisar Associate Professor of (BS-19) of physics, Govt; Degree College Balakot Mansehra proceeded against under the Khyber Pakhtunkhwa, Govt; Servants (Efficiency & Discipline) Rules, 2011;

2. **AND WHEREAS,** a committee comprising, Mr. Asghar Ali (BS-20 PSC SG) Secretary to the Govt; of Khyber Pakhtunkhwa Population Welfare Department and Professor; Masrullah Khan Ex-Principal Govt; College, Peshawar was constituted to conduct inquiry into the allegations;

3. **AND WHEREAS,** the inquiry committee after having examined the charges, evidence on record submitted its report;

4. **AND WHEREAS,** the competent authority also afforded the opportunity of personal hearing to the accused officer, and he was called for the purpose thrice but he failed to turn up for the personal hearing;


5. **NOW THEREFORE,** the Competent Authority, after having considered the charges, evidence on record, and after affording the opportunity of personal hearing to the accused, while exercising his power under Rule 14 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 has been pleased to impose major penalty of "Compulsory Retirement from service" on Mr. Muhammad Nisar Associate Professor of (BS-19), Govt; Degree College, Balakot, Mansehra, with immediate effect.

**SECRETARY
GOVT; OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT**

ENDST: NO. & DATE EVEN.

Copy forwarded to the:-

1. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. Principal, Govt. Degree College Balakot, Mansehra.
3. Officer concerned.
4. PS to Secretary Higher Education Department.
- ✓ 5. Master File.


(RIAZ)
SECTION OFFICER (C-I)

To,

The Director, Higher Education.
Govt. of Khyber Pakhtunkhwa, Peshawar.

G

19

Sub; APPEAL.

Respected Sir,

It is stated that Principal GDC, KTS and his some staff members Specially Mr.Hafeez DPE and Mr.Khalid A/P of urdu Mr.Tariq lecturer exhibited clear wickedness with the support of incharge Directors to stop me at gate by Guard on 30-11-2021 while I went to college for new relieving chit.This also shows that all that was done with me is due to cons piracy of these mentioned members who tried to manage such incidents already with Lab. Asstt. and even with students to dislocate me but I faced all these wisely.Incharge Director had committed offence to fix my inquiry for the allegations cleared in reconducted inquiry on 15-2-2018 again and again and losing this report, deliberately as told telephonically by Khawaja Saquib mentioned in appl.dated 26-7-2021 submitted to Honourable Secretary(sb)'s office. Also nominating non-neutral person,Khawaja Saquib in this inquiry showing his malafide.This is also obvious from his posted letter for fixing date for my defence on 14-12-2021 and envelope is stamped by post office Haripur on 14-12-2021.Photo-copy of envelope with letter is attached.This practice is exercised in SHOW CAUSE NOTICE and also in inquiry by Mr Nasrullah.

It is,therefore,requested that action may be taken against those responsible for this incident as I was badly insulted by Guard on behalf of mentioned conspirators. This intensified my heart disease also caused me unable to assume my duty at GDC Balakot(As Principal relieved me once on 23-9-2021 and then on 30-9-2021 with letter dt 02-10-2021and did not provide relieving chit),or to perform election duty or to appear before any inquiry committee and my immature transfer may be cancelled to discourage these mentioned conspirators.

Sir, my salary has been stopped for three months and I have to start my proper treatment after the solution of this conflict caused by incharge Director. (photo-copy of application posted by TCS to Secretary(sb) on 01-12-2021 to inform about incident on 30-11-2021 is attached).

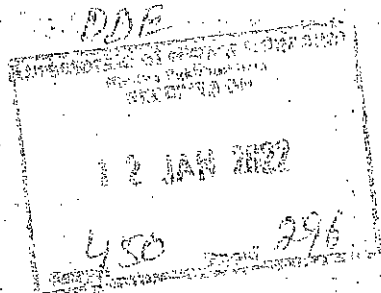
Thanking You,

Dated; 12-01-2022

Cell;03495777161

Yours faithfully,

Muhammad Nisar,
Associate Prof.of Physics
GDC,KTS,Haripur





DIRECTORATE OF HIGHER EDUCATION

KHYBER PAKHTUNKHWA

Rano Garhi, Peshawar

Tel # 091-2650025 / 9330496

E-mail:- dhekpkes@pesh@gmail.com Facebook.com/dhekpkes Peshawar Twitter.com/dhekpkes Peshawar

No. 18 / CA-II/ Estt./Muhd Nisar/Physics

Dated Peshawar the 25 / 01 / 2022

To

REGISTERED

Mr. Muhammad Nisar
S/O Muhammad Yaqoob
Street # 07, Babu Mahallah,
Haripur.

SUBJECT: APPEAL.

Respected Sir, السلام عليكم

I am directed to refer to your appeal dated 12.01.2022 and to state that your plea in the subject matter is turned down as major penalty of "compulsory retirement from Service" has been imposed upon you vide Notification dated 30.12.2021 (Copy enclosed) which holds no grounds legally.

Mah. G.
ASSISTANT DIRECTOR (ESTT:)

Endst. No _____/

Copy of the above is forwarded to the Principal, Govt; Degree College, Balakot, Mansehra.

ASSISTANT DIRECTOR (ESTT:)



DIRECTORATE OF HIGHER EDUCATION

KHYBER PAKHTUNKHWA

Rano Garhi, Peshawar

Tel # 091-2650025 / 9330496

E-mail: - dhekppesh@gmail.com Facebook.com/dhekppeshawar Twitter.com/dhekppeshawar
No. 29568 / CA-II/ Estt. Branch/A-12/Muht Nisar/ Physics Dated Peshawar the 10/12/2021

R.I(21)

To

**REGISTERED
MOST IMMEDIATE**

1. Mr. Muhammad Nisar
Associate Professor of Physics
Govt; Degree College, Balakot,
Mansehra.
2. Mr. Muhammad Nisar S/O Muhammad Yaqoob
Street # 07, Babu Mohallah, Haripur.

SUBJECT

DISCIPLINARY PROCEEDING AGAINST MR. MUHAMMAD NISAR, ASSOCIATE PROFESSOR (B-19) OF PHYSICS, GOVT; AKHTAR NAWAZ KHAN (SHAHEED) DEGREE COLLEGE, KTS, HARIPUR.

Memo:

I am directed to refer to the letter No. SOG (SWD)/4-2/Gen /Inquires dated 07.12.2021 received from Section Officer (General), Government of the Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department on the subject cited above and to state that your personal hearing has been fixed by the Competent Authority and is rescheduled on 14th December, 2021 at 11:00 A.M in the office of Secretary, Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department.

In view of the same you are once again directed to attend the office of the Secretary, Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department, Government of the Khyber Pakhtunkhwa, on 14th December, 2021 at 11:00 A.M for your defence.

[Signature] 10/12/2021
ASSISTANT DIRECTOR (ESTT.)
for

Endst: No. _____

Copy of the above is forwarded to the:-

1. Section Officer (General), Government of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department with reference to his letter No. referred above.
2. Khawaja Muhammad Saqib, Assistant Director (General), Local Directorate, Local Directorate with the remarks to assist the Inquiry Committee during the inquiry proceedings on the prescribed date and time.
3. Principal, Govt. Degree College Balakot, Mansehra with the request to inform the officer concerned accordingly.

ASSISTANT DIRECTOR (ESTT.)

VAKALATNAMA

NO. _____ /20

IN THE COURT OF KP Service Tribunal, Peshawar

Muhammed Nisar

Appellant
Petitioner
Plaintiff

VERSUS

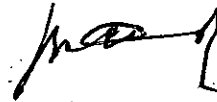
Govt of KP

Respondent (s)
Defendants (s)

I/WE Muhammed Nisar

do hereby appoint and constitute the **SYED NOMAN ALI BUKHARI Advocate High Court** for the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party to commence and prosecute / to appear and defend this action / appeal / petition / reference on my / our behalf and all proceedings that may be taken in respect of any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take documents, to accept the process of the court, to appoint and instruct council, to represent the aforesaid Appellant, Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party agree(s) ratify all the acts done by the aforesaid.

DATE _____ /20



(CLIENT)

ACCEPTED


SYED NOMAN ALI BUKHARI
ADVOCATE HIGH COURT

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No: 142/2022

Mr. Muhammad Nisar Appellant

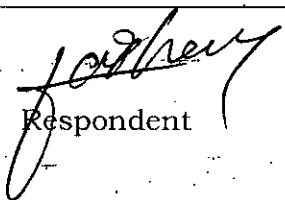
Versus

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

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Respondent

(1)

BEFORE THE HONOURABLE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL
PESHAWAR

S.A # 142/2022

Mr. Muhammad Nisar.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa

Through Secretary

& others.....Respondents

SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 to 3

Respectfully Sheweth:-

Preliminary Objections: -

1. Incorrect. That the appellant has got neither cause of action nor locus standi to file the instant Service appeal.
2. That the appellant has not come to this Honourable Tribunal with clean hands.
3. That the appellant is trying to conceal material facts.
4. That the appellant is estopped by his own conduct to file the instant service appeal.
5. That the instant Service Appeal is time-barred.
6. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.

Reply on Facts:-

1. Incorrect. That the appellant has been "compulsory retired from Service" by the competent authority vide notification dated: 30-12-2021 (**Annex-A**).
2. Incorrect. That the appellant was working with the utter dissatisfaction of high ups and students. In this regard several explanations were called by the concerned Principals and Directorate of Higher Education (**Annex-B**) and inquiries were also conducted. (**Annex-C**)
3. Correct to the extent that the appellant was transferred from Govt; Degree College, Haripur to Govt; Degree College Balakot Mansehra vide Notification dated: 10-09-2021 (**Annex-D**) and relieved by respondent No. 3 on 30-09-2021 (**Annex-E**) but the appellant did not report for duty at his new place of posting i.e Govt; Degree College Balakot Mansehra. The Principal Govt; Degree College Balakot Mansehra reported his absence to Directorate, Higher Education (**Annex-F**) absence notice dated: 27-10-2021 through registered post was also sent by respondent No. 2 at his home address to report for duty immediately. (**Annex-G**)
4. Correct to the extent that the appellant submitted application on 22-02-2021 after initiation of disciplinary proceedings against him on 27-11-2020.
5. Incorrect. That the appellant was transferred in best public interest.

- 6. As already explained in Para 2, in this regard a fact finding inquiry was conducted (**Annex-H**) and in light of which a formal inquiry was initiated for which inquiry committee was constituted vide letter dated: 12-02-2021 (**Annex-I**) Charge Sheet & Statement of Allegations were served upon the appellant vide letter dated: 17-02-2021 (**Annex-J**). As he did not submit proper reply/charge wise reply the inquiry officer again vide letter dated: 22-03-2021 requested him to submit proper reply (**Annex-K**) but the appellant did not submit the same and also did not appear before the inquiry committee on 12-04-2021. (**Annex-L**) The inquiry committee submitted the inquiry report. (**Annex-M**) Show Cause notice was served upon the appellant vide letter dated: 27-07-2021 (**Annex-N**) through respondent No. 3 and the same was received by the appellant on 03-08-2021 which is evident from the letter dated: 03-08-2021 of the respondent No. 3 (**Annex-O**). The appellant was provided the opportunity of personal hearing thrice i.e on 16-11-2021, 07-12-2021 and 14-12-2021 but he did not avail the same (**Annex-P**).
- 7. Subject to proof by the appellant.
- 8. As already explained in Para 06.
- 9. Incorrect. As already explained in Para 06.
- 10. Incorrect. As already explained in Para 03, he was relieved by respondent No. 3 on 30-09-2021 (**relieving chit attached as Annex-D**). It is pertinent to mention here that the appellant was also informed at his home address through registered post. (already attached)
- 11. As already explained in preceding paras.
- 12. Correct to the extent that the inquiry committee was constituted, rest of the para is incorrect. As already explained in preceding paras.
- 13. As already explained in Para 06 in detail.
- 14. Correct to the extent that after fulfilment of all codal formalities the competent authority vide notification dated: 30-12-2021 imposed major penalty of "compulsory retirement from service" upon the appellant.
- 15. Pertains to Record.
- 16. Incorrect. As already explained in preceding paras.

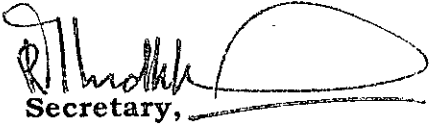
Grounds: -

- A. Incorrect. That the notification dated: 30-12-2021 is in accordance with law/rules.
- B. Incorrect. That the appellant has been treated within four corners of law.
- C. Incorrect. As already explained in para 6 of facts and documentary proof is also attached.
- D. Incorrect. As already explained in preceding Paras.
- E. Incorrect. As already explained in preceding Paras.
- F. Incorrect. As already explained in preceding Paras.
- G. Incorrect. As already explained in preceding Paras.

- H. Incorrect. As already explained in preceding Paras.
- I. Incorrect. As already explained in preceding Paras.
- J. Incorrect. As already explained in preceding Paras.
- K. Incorrect. As already explained in preceding Paras.
- L. Incorrect. As already explained in preceding Paras.
- M. That the respondents may be allowed to raise additional grounds at the time of arguments.

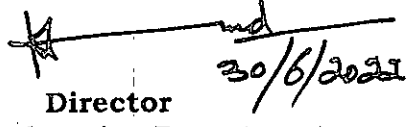
Prayer: -

It is, therefore, humbly prayed that the instant Service Appeal is based on misconception/misstatements hence may graciously be dismissed.

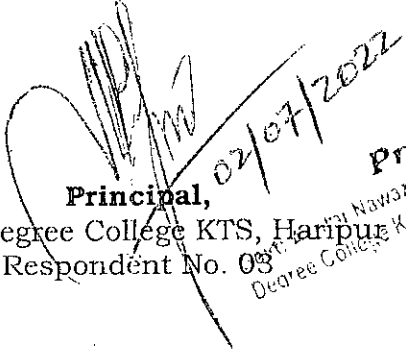

Secretary,

Higher Education, Archives
& Library Department
Respondent No. 01




Director 30/6/2021

Higher Education Department
Respondent No. 02


Principal, 02/07/2022

Govt. Degree College KTS, Haripur
Respondent No. 03

Principal
Govt. Degree College KTS, Haripur (Shahdada)
Degree College, Khalabat Townshah



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

Dated Peshawar the 30th December, 2021

NOTIFICATION

No. SO(C-I)/HE/1-1/2021. WHEREAS, Mr. Muhammad Nisar Associate Professor of (BS-19) of physics, Govt; Degree College Balakot Mansehra proceeded against under the Khyber Pakhtunkhwa, Govt; Servants (Efficiency & Discipline) Rules, 2011;

2. AND WHEREAS, a committee comprising, Mr. Asghar Ali (BS-20 PSC SG) Secretary to the Govt; of Khyber Pakhtunkhwa Population Welfare Department and Professor Nasrullah Khan Ex-Principal Govt; College, Peshawar was constituted to conduct inquiry into the allegations;

3. AND WHEREAS, the inquiry committee after having examined the charges, evidence on record submitted its report;

4. AND WHEREAS, the competent authority also afforded the opportunity of personal hearing to the accused officer, and he was called for the purpose thrice but he failed to turn up for the personal hearing;

5. NOW THEREFORE, the Competent Authority, after having considered the charges, evidence on record, and after affording the opportunity of personal hearing to the accused, while exercising his power under Rule 14 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 has been pleased to impose major penalty of "Compulsory Retirement from service" on Mr. Muhammad Nisar Associate Professor of (BS-19), Govt; Degree College, Balakot, Mansehra, with immediate effect.

SECRETARY
GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

ENDST: NO. & DATE EVEN.

Copy forwarded to the:-

1. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. Principal, Govt. Degree College Balakot, Mansehra.
3. Officer concerned.
4. PS to Secretary Higher Education Department.
5. Master File.

(RIAZ)
SECTION OFFICER (C-I)

3929 5

Account

939 حساب برائے گورنمنٹ ڈپارٹمنٹ

حساب عالی

حود نامہ تراشی کے شمارہ کے پانچ لیبارٹری کی کچھ اشیا ہیں جنہ

درج ذیل ہیں

- 1) سوکڈرکن
- 2) سٹینڈنگ کونڈیکٹ
- 3) مٹی مٹر A.V.O meter
- 4) مسکرو ڈیٹا لیکور سٹیٹ
- 5) انسٹرمنٹ کا ڈوٹ

حساب عالی کل برہمچوران 20/3/97 کو میرے اس سوال پر کہ جو اشیا
 آپ کے نام پر Issue ہوئی ہیں وہ آپ کی واپس کریں گے
 حساب عالی میرے اس سوال پر انہوں نے ملے انکار کر کے تاثرینا الفاظ استعمال
 کیے کہ کیا تم کون کچھ سے بر اشتیاد لے سکتے ہے
 حساب عالی پر اشتیاد لیبارٹری استعمال کے لیے ہیں کہ جیسے وہ انہیں واپس کرنا
 کے ذمہ داری ہے طریقہ اختیار کیا لہذا غمراہ عرض ہے کہ یہ شمارہ کو تنسیخ
 کی جائے کہ آئندہ اس زمانہ کا غلط استعمال نہ کریں تاہم کسی کی کوئی نہ ہو۔ اس
 سے دستبردار ہو کر اس بد مزگی پیدا ہوئی ہے کہ ڈیوٹی کرنے میں دشواری ہوئی ہے
 حساب کا محض رہنما

اعمال

محمد حواد (کیا اسٹینٹ) حساب 21/3/97

faster

گورنمنٹ ڈپارٹمنٹ کے لیے اس کے نام

H/c
Call Explanation for
Misconduct.

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21/97

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OFFICE OF THE PRINCIPAL, GOVT. DEGREE COLLEGE NO. 2 ABBOTTABAD.

To

Mr. Mohammed Nisar,
Lec: in Physics, Local College.

Subject:- E_X_P_L_A_N_A_T_I_O_N
OF MISCONDUCT.

Two applicants lodged complaints in writing against you that you have misbehaved and used abusive language with them namely,

- 1) Mr. Jawad Lab: Assistant Physics when he asked for return of Laboratory Equipment loaned to you and
- 2) office clerk when you asked them to do your ~~your~~ personal work in office time (photo copies of the complaints are attached).

This amounts to misconduct under Efficiency and discipline rules 1973.

Therefore you are hereby directed to explain your misbehaviour and misconduct within four days of receipt of this explanation.

PRINCIPAL,
GOVT DEGREE COLLEGE
No.2 ABBOTTABAD.

Endst: No. 88-89 / dated Abbottabad the 22 / 3 / 1997.

1. The Director of Education (colleges) N.W.F.P Peshawar for information.

2. Personal file of Mr. Muhammad Nisar.

gashy

C.A.T.

Muhammad Nisar
PRINCIPAL,
GOVT DEGREE COLLEGE,
No.2 ABBOTTABAD.

GOVT: POSTGRADUATE COLLEGE ABBOTTABAD.

No. 1312 dated 10/10/1997.

B3

To

Mr. Mohammed Nisar,
Lecturer in Physics,
(Local College).

SUBJECT:- EXPLANATION.

Memo:

You have applied for two days casual leave for 9th & 10th October, 1997 without the recommendation of the concerned chairman. Explain why you have ~~done so~~ done so. Your reply should ~~reach~~ reach the undersigned with in three days of the receipt of this order, otherwise strict disciplinary action will be taken against you.

[Handwritten signature]

[Handwritten signature]

Principal,
Govt: Postgraduate College,
Abbottabad.

(10)
2577

B.A.F.

DIRECTORATE OF EDUCATION
(COLLEGES), NWFP, PESHAWAR.

No. ~~1458~~ / CA-II / Estt. Branch
Dated Peshawar, the 25/11/97.

To

The Principal
Govt. Postgraduate College,
ABBOTTABAD.

Subject:- EXPLANATION

I am directed to refer to your endst. Nette.

No. 1458, dated 10.4.1997 and to direct Mr. Mohammad Nisar Lecturer
in Physics to be careful in future and to observe the code of
conduct and rules of business while communicating with higher
authorities.

gastly

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Deputy Director of Education
(Colleges), NWFP, Peshawar.

CONFIDENTIAL.

Annex B 7 (11) 993
GOVT: POSTGRADUATE COLLEGE ABBOT ABAD.

No. 1047 Dated 29/9 1999.

To

Dr. Abdur Rauf Khan,
Director of Education,
(Colleges) NWFP, Peshawar.

Sub:- COMPLAINT AGAINST MR. MUHAMMAD NISAR, LECTURER IN PHYSICS.

Memo:

As your goodself is aware that Mr. Muhammad Nisar, lecturer in Physics has been an aggressive and rash temperament teacher and was transferred to this College from Government College No.2 Abbottabad on complaint after his fight with Mr. Ghulam Rasool, Lecturer in Physics in June 1997.

Last year he was allotted 4th year class but the students protested against his teaching for not being prepared to explain the topics and answer the questions. The matter was twice resolved by the Chairman Department of Physics by replacing him on my personal request.

Recently, he has been given 2nd year class but after few days he lost control of his class. He slapped a boy Mr. Kashif Roll No. 377 for the reason of talking. The boys were expelled out of his class and this matter was reported to Prof. Muhammad Ayub Awan, Kashif was weeping at that time. The boys lodged a complaint to the Chairman, Department of Physics to replace him. The undersigned ordered Prof. M. Ayub Tancoli (Chairman) to conduct enquiry.

Next day, on 24-9-1999 I checked that some of his students were expelled by . I asked him to allow the students and when I left, it was reported that he expelled them again.

On 25-09-1999, the students protested against him en bloc and further more students of 4th year have demanded that their classes should not be allotted to him, as evident from the enquiry report (Photostat attached)

Therefore, it is clear that Mr. Muhammad Nisar, Lecturer in Physics can not teach in this College and must be transferred to some smaller College in the public interest.

An early action is requested please.

[Signature]
Principal,
Govt: Postgraduate College,
Abbottabad.

[Handwritten initials]

[Handwritten signatures and notes]

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 349 (38) Khalid Abu
 223 (39)
 329 (40)

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OFFICE OF THE PRINCIPAL GOVT. DEGREE COLLEGE PURAN, SHANGLA, N.W.F.P.

102 Dated: 23-10-1999

Mr. Mohd. Waseem (U. P. Jy)
37, No. 7, Bala Mehar
Haridwar - 110024

Subject: ABSENCE FROM DUTY WITHOUT APPLICATION.

Memo;
You have been continuously absent from duty without application since 14-10-1999.

Therefore, explain the cogent reasons of your absence; otherwise disciplinary actions will be taken against you under the rules.

Your explanation should reach the undersigned on or before 01-11-1999 positively.

[Signature]
Principal 23.10.99
G.D.C. Puran
Distt: Shangla.

Enclst: No. Dated: 23-10-1999

1. The D.E. (Colleges), N.W.F.P. Jammu & Kashmir.

[Signature]

PRINCIPAL,
Govt. Degree College,
Puran, Distt: Shangla.

[Handwritten marks]

Annex-38

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OFFICE OF THE PRINCIPAL GOVT. DEGREE COLLEGE PURAN, DISTT: SHANGLA, N.W.F.P.

No; 90

Dated; 27-10-1999.

To

The Director of Education (Colleges)
N.W.F.P. Peshawar.

Subject; REQUEST FOR IMMEDIATE TRANSFER OF MR. MOHD NISAR LEC: IN PHYSICS FROM THIS COLLEGE AND TRANSFER OF ANOTHER LEC: IN PHYSICS TO OUR COLLEGE

Dear Sir,

It is stated that Mr. Mohd Nisar Lec; in Physics was transferred to our College from G.C. Abbot Abad Vide D.E.(C) N.W.F.P. Pesh; Notif; No; A-12/N. Ph; /CA-II. End; No; 23215-20 dt; 30-09-1999.

He arrived on 7-10-99 and tookover the charge and on the same day went back to Abott Abad for bringing his luggages etc. He rejoined on 13-10-

I assigned him duties and provided him with accommodation and ordered him to remain here which he accepted. He came to the College on 14-10-99 and visited the class and only introduced himself. Unfortunately, he went to home back on 14-10-99 alongwith his luggages etc without informing me and absent so far.

Moreover, I have noted that Mohd Nisar is not serious in perform his duties. He seems to be a carefree and happy-so-lucky type of man who has no well -chalked out programme of his life.

Therefore, it is requested that he may very kindly be transferred from this College and another Lec; in Physics be transferred to teach our students and help us in the smooth running of our new institution which requires immense care, efforts and dedication. Thanks.

[Handwritten signature]

[Handwritten signature]
Dr. Usman Ali 27/10/99
Principal

Govt; Degree College; Puran
Distt; Shangla, N.W.F.P.

[Handwritten notes: A.O. do this work]

[Handwritten initials: A.D.]

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OFFICE OF THE PRINCIPAL, GOVT. WOMEN'S COLLEGE, PUNJAB, DELHI

No. 109 Dated: 16-11-1999

To: The Director of Education (Colleges)
N.W.F.P., Patna.

Subject: ABSENCE FROM DUTY.

Respected Sir,

It is stated that Mr. Mohd. Akbar, who is a Lecturer in Physics at this College since 07-10-1999, left on the same day and took his leave on two days leave, but rejoined the College on 15-11-1999. On the other day i.e. on 12-10-1999, he left the College carrying his personal and baggage without giving us any notice, and has been absent since then.

On the 23rd October 1999, I addressed an enquiry which his home address, but no reply came from him. There was an application from him on 11-11-1999 asking leave on medical grounds. Photo is attached for reference and etc. But his case could not be taken into consideration.

As far as I have gathered from his colleagues it appears that he is a complete drunk. He has not taken his duty seriously and he has left the College because of his irresponsible attitude towards his duties.

Therefore, a departmental enquiry and necessary action against him is recommended. All the necessary documents are attached for your reference. It is requested that you may please be good to supply the necessary number of Physics books as per the list attached for the need of the students.

Yours faithfully,
Principal
Govt. Women College
Punjab, Delhi Branch

Principal
Govt. Women College
Punjab, Delhi Branch

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B/10 (H)



OFFICE OF THE PRINCIPAL
GOVERNMENT DEGREE COLLEGE
PATTAN KOHISTAN

No: 1317-18

Dated: 03-10-2015


To

Mr. Muhammad Nisar,
Associate Professor of Physics,
GDC Pattan Kohistan.

Subject: Explanation.

Memo,

You are not attending your duties at the college since 19-09-2015 and you have not submitted any leave application in this regard. Please explain your position within three days positively.

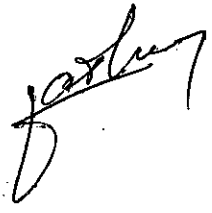

Principal
GDC Pattan
Kohistan

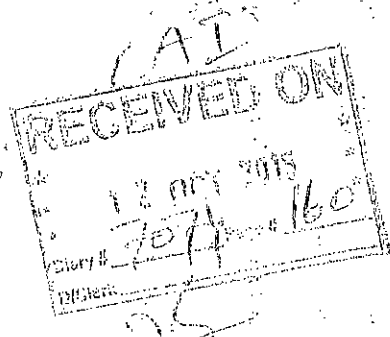
OFFICE OF THE PRINCIPAL GOVT. DEGREE COLLEGE PATTAN KOHISTAN


End: No. Even

Dated: Even

Copy forwarded to Director Higher Education Peshawar for consideration.






Principal
GDC Pattan
Kohistan

BUSI /

OFFICE OF THE PRINCIPAL GOVT. DEGREE COLLEGE KHANPUR (HARIPUR)

No. 929 /P.F.

Dated 27/07 /2016.

To: Mr. Muhammad Nisar,
Associate Prof. of Physics,
Local College.

Subject:- EXPLANATION/ABSENCE FROM DUTY.

Memo:

It has come to my notice through DHE letter No. 18694-722/CA-1, Branch A-12 dated 04.07.2016 that you were absent on 27.04.2016 without any justification/reason. You are directed to reply within 03 days with full justification of your absence otherwise disciplinary action will be initiated against you under E&D rules 2011.

[Signature]

Principal
Govt. Degree College
Khanpur (Haripur)

Endst: No 930

Copy for information to the Director Higher Education KPK Peshawar!

[Signature]

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[Signature]

Principal
Govt. Degree College
Khanpur (Haripur)
Ph: 0995-640251

B12 (18)

OFFICE OF THE PRINCIPAL GOVT. DEGREE COLLEGE KHANPUR (HARIPUR)

No. 20 /P.F.

Dated 21-01-2017.

To:

Muhammad Nisar:
Associate Professor of Physics,
Local College.

Subject:-

EXPLANATION/ABSENCE FROM DUTY.

Memo:

It has been noticed that you are not taking your classes regularly and according to time table which creates disturbance in the college.

You are directed to explain within 03 days as to why a disciplinary action should not be taken against you.



Principal,
Govt. Degree College,
Khanpur (Haripur).

Endst: No

Copy for information to the Director Higher Education KPK, Peshawar.

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Principal,
Govt. Degree College,
Khanpur (Haripur).
Ph: 0995-640251

CA-I

23/01/2017

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DIRECTORATE OF HIGHER EDUCATION

KHYBER PAKHTUNKHWA,
KHYBER ROAD PESHAWAR

Phone # 091-9210242, 9211025/Fax # 9211803

CA-1/ Exec. Branch/A-2/Mohd Nisar/ Physics

No. 382

19
2/13

Dated Peshawar the 10/02/2017

To

Mr. Mohammad Nisar
Associate Professor of Physics
Govt: Degree College, Khanpur (Haripur).

SUBJECT

EXPLANATION/ ABSENCE FROM DUTY.

Memo:

I am directed to refer to the letter No. 20 dated 21.01.2017 Principal Govt; Degree College, Khanpur (Haripur) addressed to you and copy thereof endorsed to this office on the subject cited above and to ask you as to why your performance is not upto the standard parameters of the institution.

You are hereby warned to mend your attitude towards performance of your duties, failing which action will be taken against you under the relevant rules.

Endst: No.

382

BY: DIRECTOR (ESTABLISHMENT)

13/9/17

Copy of the above is forwarded to the Principal Govt; Degree College, Khanpur (Haripur) with reference to his letter No. 20 dated 21.01.2017.

[Handwritten signature]

BY: DIRECTOR (ESTABLISHMENT)

13/9/17



DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA,
KHYBER ROAD PESHAWAR

Phone # 091 9210242, 9211025/Fax # 9211803
No. 13423 / CA-1/ Estt: Branch/A-12/Mohd Nisar Khan/ Physics

Dated Peshawar the 16/05/2017

B1400 (20)
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To

Mr. Mohammad Nisar
Associate Professor of Physics
Govt; Degree College, Khanpur (Haripur)

SUBJECT EXPLANATION.

It has been reported by the Principal, Govt. Degree College, Khanpur (Haripur) that you have not mended your attitude towards performance of your duties and are not attending the College regularly and your performance is not upto the standard parameters of the institution. You are reportedly fond of availing frequent causal leaves and often remain absent from your duties owing to which your students suffer badly. This tantamount to misconduct and warrants disciplinary action under E&D Rules, 2011.

I am, therefore, directed to ask you to explain your position in this regard as to why disciplinary action should not be initiated against you. Your explanation should reach this office within a week positively through your Principal failing which disciplinary action will be taken against you under the rules ibid.

Endst: No. 13424-27

15/5/17
o/e DY-DIRECTOR (ESTABLISHMENT)

Copy of the above is forwarded to the:

1. PS to Secretary, Higher Education, Khyber Pakhtunkhwa.
2. Principal Govt; Degree College, Khanpur (Haripur) with reference to his letter No. 160 dated 14.04.2017.
3. Principal Govt; Post Graduate College, Haripur with the request to expedite the inquiry in the matter.
4. PA to Director, Higher Education, Khyber Pakhtunkhwa.

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15/5/17
o/e DY-DIRECTOR (ESTABLISHMENT)

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DIRECTORATE OF EDUCATION
(COLLEGES), NWFP, PESHAWAR.

No. 1480 / CA-II / Estt. Branch
Dated Peshawar, the 2/11 / 1997.

To

The Principal
Govt. Postgraduate College,
ABBOTTABAD.

Subject:- EXPLANATION.

I am directed to refer to your endst. Mette.

No. 1458, dated 10.4.1997 and to direct Mr. Mohammad Nisar Lecturer
in Physics to be careful in future and to observe the code of
conduct and rules of business while communicating with higher
authorities.

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Deputy Director of Education
(Colleges), NWFP, Peshawar.

Annex-2

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GOVT: POSTGRADUATE COLLEGE ABBOTTABAD.

No. 1432 / Dated 2/11 /2006

To

Mr. Muhammad Nisar,
Lecturer in Physics,
(Local College).

Sub: INQUIRY REPORT.

Memo:

On your complaint against Lab: Attendent Muhammad Shabir an inquiry has been carried out in details. According to the findings of the inquiry it has been revealed that :-

1. Mr. Muhammad Shabir is Lab Attendent in M.Sc Physics Lab. Your work load does not contain any paper at M.Sc level. You had no concern to indulge in ~~M. Sc level~~ discussion with Mr. M. Shabir for the purpose of four cable entrance into the M.Sc Lab.

2. You have taken home some apparatus from the Lab: about six months ago which you have not returned so far.

In the light of inquiry report you are directed to :-

- 1) Return the apparatus to the Lab: immediately.
- 2) Devote your attention to the classes allotted to you. Visit the required lab as per time table programme.
- 3) If you want to visit any other lab: you may do so with the permission of the Chairman of the Department after satisfying your students, because in general, your students are not satisfied by the way of your conducting classes.

Justice

Maylan
Principal,
Govt: Postgraduate College,
Abbottabad.

Endst: No. _____

copy to: 1) The Director of Higher Education NWFP, Peshawar.
2) Prof. Muhammad Ayub Awan, Chairman Physics Department/Inquiry Officer (Local College) for information please.

Sid
Principal,
Govt: Postgraduate College,
Abbottabad.

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

No. SO (C-II)/13-17/2012.

Dated Peshawar the 16.03.2011.

12/2/12

To

The Director,
Higher Education, Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: - **COMPLAINT.**

Dear Sir,

I am directed to refer to the subject cited above and to forward herewith another application in respect of Mr. Muhammad Nisar, Assistant Professor of Physics, Govt. Post Graduate College, No. 1, Abbottabad with the request to conduct inquiry in the matter and submit a report for perusal of the Secretary, Higher Education Department, please.

Encl: As above.

(WAHEED KHAN)
SECTION OFFICER (COLLEGE-II)

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DIRECTORATE HIGHER EDUCATION
GOVERNMENT OF KHYBER PAKHTUNKHWA
Phone No. 091-9211025-9210217, 9210242

No. 7630-31 /CA-I/Estt. Branch


Dated Peshawar the 16/4 2012.

To

1. Mr. Fayyaz Ali Shah
Principal GPGC, Mardan
2. Haji Fazale Rehman
~~Administrative Officer Local Directorate~~
Asslt. Director (Accounts)

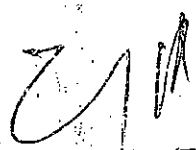
Subject: - COMPLAINT.
Memo:

I am directed to refer to the letter No. SO(Colleges-II)/13-17/2012 dated 16-3-2012 alongwith enclosure and to state that the Director Higher Education Khyber Pakhtunkhwa has appointed you to conduct fact finding inquiry in the subject matter and submit report within two weeks for the perusal of Secretary Higher Education Khyber Pakhtunkhwa, please.


DEPUTY DIRECTOR (Establishment)
HIGHER EDUCATION KHYBER PAKHTUNKHWA

Encl. No. 7632^{ofc}

Copy of forwarded to the Section Officer (College-II) Higher Education Khyber Pakhtunkhwa w/r to his No. cited above.


DEPUTY DIRECTOR (Establishment)
HIGHER EDUCATION KHYBER PAKHTUNKHWA



Office of The Principal
GOVERNMENT POST GRADUATE COLLEGE
MARJAN
PH# 0937-9230033

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CAI
Rahman
12/11

No. 2460

Dated. 14/05/2012

To

The Director
Higher Education
Khyber - Pakhtunkhwa, Peshawar

Add/D
Rahman

Subject: COMPLAINT/DAILY SITUATION REPORT 399

22/5/12

Memo:

This is with reference to your office letter No. 7630-31/CA-I/Est: Branch, Dated. Peshawar the 16-04-2012, it is submitted that the undersigned paid a scheduled visit to Govt: Post Graduate College No.1, Abbot Abad to conduct a fact finding inquiry in the subject matter. Haji Fazli Rahman, Assistant Director (Accounts) accompanied as member of the inquiry committee. The Principal and the staff were present along with the relevant records.

Brief History:

One Muhammad Nisar Assistant Professor of Physics, Govt: Post Graduate College No.1, Abbot Abad addressed a complaint to the Honourable Secretary Higher Education Khyber Pakhtunkhwa, Dated. 02-03-2012, which is attached as (Annex A), and which is self explanatory. The Director Higher Education was directed to conduct enquiry. As a result our committee was constituted to conduct the fact finding enquiry. (Annexure-B)

Proceedings:

Our enquiry committee visited the Govt: Post Graduate College No.1, Abbot Abad, and proceeded the case. The Principal and the relevant staff were served with questionnaires. They were also provided with the opportunity of personal hearing. Muhammad Nisar Assistant Professor of Physics statement was recorded. The same was done to the alleged person, Muhammad Azhar Assistant

Jasheer

Professor of Economics. The Principal of the college facilitated the committee with his personal hearing as well as written statement. The committee did its utmost efforts to bring the two rival groups to table talk but as they had gone to the extreme, therefore, their pacification was not possible.

Findings:

The documentary proofs received from the office of the Principal as well as the warden of the Staff Hostel are quite witness to the fact that the situation is very complicated and alarming.

1. The written statement of Mr. Muhammad Azhar Assistant Prof: of Economics is self-explanatory and attached as (Annexure-C) for ready reference. According to him, on 25-02-2012, Mr. Nisar, Assistant Prof: of Physics and resident of Staff Hostel forcefully entered his room with pistol in hand to make attack on him, but his other colleagues rushed into the room to save him. The Principal was given a report, who constituted a committee to probe into the matter, which found Mr. Nisar as guilty. The case was forwarded to the Police Station. The S.H.O made a raid and recovered the Pistol from his custody. Then with the consent of the Principal a Jirga was framed which made Mr. Nisar to vacate the hostel within 15 days. According to the statement of the hostel warden Mr. Nisar is still to pay the outstanding dues of the hostel of Rs.8055/- (Annexure-D). Besides this he is to pay the room rent outstanding against him (Annexure-E).
2. The statement of Muhammad Nisar is also attached as (Annexure-F), which is also self-explanatory. But he has avoided the very cause which made the situation very complicated. The fact is this that he was not paying the dues of the Hostel and thus his attitude towards the warden had become antagonistic.
3. The Principal of the college was served with questionnaire, to which he responded and give a written statement which is attached as (Annexure-G). According to him Mr. Muhammad Nisar is "Security Risk for the college" and "his transfer from this college is essential" he said.
4. The Principal of Govt: Post graduate College No.1 abbot Abad has made a request, in his letter No. 808, Dated 25-02-2012, to transfer Mr. Muhammad Nisar Assistant professor of Physics in the interest of general public, as he is a constant source of irritation for the college. The letter is attached as (Annexure-H), which is self-explanatory.

Justice

Mr. Muhammad Nisar Assistant Professor, the occupant of Room No.8 a Staff Hostel, Govt: Post graduate College No.1, Abbot Abad, developed grudge with the Hostel warden, Muhammad Azhar Assistant Professor of Economic over petty matters, like physical verification and payments of Hostel dues. The situation became critical when the former threatened the later with pistol. The local police was involved and later on the Jirga decided that Mr. Muhammad Nisar will have to vacate Hostel with in Fifteen Days, and dues will also be paid with immediate effect. But the situation remains the same.

(Annexure)

After going through the record and statements of the concerned officers the committee is of the view that Mr. Muhammad Nisar is a psycho case. He is not feeling well. He needs a proper treatment. In case this is avoided, he can create problem for himself as well as the academic institutions.

Recommendation:

Mr. Muhammad Nisar Assistant Professor of Physics at Govt: Post Graduate College, No. 1, Abbot Abad may be transferred to Govt: Post Graduate College, Mardah, Haripur.

The report is submitted for further necessary action please.

Jadun

FAYAZ ALI SHAH
(Inquiry Officer)
Principal
Govt: Post graduate College
Mardah

Haji Eazal Rahman
AD (Accounts)
(Inquiry Officer)



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

Dated Peshawar the 10/09/2021

NOTIFICATION

NO.SO(C-I)/HE/I-5/2021/Male Posting-Transfer/Placement Committee. The competent authority is pleased to order posting/transfer of the following teaching staff of College Cadre in Higher Education Department, with immediate effect, in the best public interest:-

S#	Name / Designation / BPS	From	To	Remarks
1.	Sardar Hussain, Associate Professor (BS-19) of Statistics.	GDC Garhi Kapura, Mardan	GPGC Mardan	AVP
2.	Sajjad Ul Hassan, Associate Professor (BS-19) of Physics	GDC Tangi, Charsadda	GDC Achini Payan, Peshawar	AVP
3.	Irfan Ullah, Associate Professor (BS-19) of Geography	GDC Esak Khel Lakki Marwat	As Associate Professor (BS-19) GPGC Lakki Marwat	AVP
4.	Dr. Muhammad Imtiaz, Associate Professor (BS-19) of Urdu	GPGC Swabi	GPGC No.1 Abbottabad	AVP
5.	Asim Jamshed, Associate Professor (BS-19) of English	GDC Mingora, Swat	GPGJC Swat	Vice S#6
6.	Ismail, Associate Professor (BS-19) of English	GPGJC Swat	GDC Mingora, Swat	Vice S#5
7.	Dr. Asghar Ali, Associate Professor (BS-19) of Botany	G AKL PGC, Matta Swat	GPGJC Swat	AVP
8.	Abdul Rashid, Associate Professor (BS-19) of Botany	GDC Thana, Malakand	G AKL PGC, Matta Swat	Vice S#7
9.	Ashraf Siddiqui, Associate Professor (BS-19) of Comp. Science	GDC, Zaida, Swabi	GDC Khanpur, Haripur.	AVP
10.	Fazal Rahim, Associate Professor (BS-19) of Botany	GDC Nawagai, Bajaur	GDC Akbar Pura, Nowshera	AVP
11.	Khurshid, Associate Professor (BS-19) of History	GDC Kabal Swat	GPGJC Swat	AVP
12.	Salim Ahmad, Associate Professor (BS-19) of English	GDC Madyan Swat	GDC Kabal Swat	AVP
13.	Dr. Lakhkar Khan, Associate Professor (BS-19) of Statistics	GDC Bakhshali, Mardan	GPGC Mardan	AVP
14.	Noor Ullah, Associate Professor (BS-19) of Political Science	GDC No.1 D.I.Khan	GDC Sabir Abad, Karak	AVP
15.	Muhammad Arif, Associate Professor (BS-19) of Pashto	GDC Mathra, Peshawar	GC Peshawar	Vice S#85
16.	Abid Javed, Associate Professor (BS-19) of Maths	GPGC Dargai, Malakand	GDC Mathra, Peshawar	Vice S#15
17.	Tahir Sarfaraz, Associate Professor (BS-19) of Zoology	GDC Gandaf, Swabi	GPGC Mandian Abbottabad	AVP
18.	Sajid Mahmood, Associate Professor (BS-19) of Statistics	GPGC Timergara, Dir Lower	GDC Havelian, Abbottabad	AVP

19.	Muhammad Aadil Umer, Associate Professor (BS-19) of English	GPGC Swabi	GDC Achini Payan, Peshawar	AVP
20.	Taj Muhammad, Associate Professor (BS-19) of Botany	GPGC Karak	GC Peshawar	AVP
21.	Muzaffar Khan, Principal / Associate Professor (BS-19) Pashto	GDC Dassu Kohistan	GDC Battagram	AVP
22.	Fazli Rahman, Associate Professor (BS-19) of Statistics	GDC Matta, Swat	GDC Kabal Swat	AVP
23.	Babar Khan, Associate Professor (BS-19) Maths	GPGC Swabi	GDC KTS Haripur	Vice S# 25
24.	Khalil Ur Rehman, Associate Professor (BS-19) of Pashto	GDC Balakot Mansehra	GPGC Mansehra	AVP
25.	Muhammad Nisar, Associate Professor (BS-19) of Physics	GDC KTS Haripur	GDC Balakot, Mansehra	Vice S# 24
26.	Asmat Ullah Jan, Associate Professor (BS-19) of Maths	GDC Garhi Kapura, Mardan	GPGC Nowshera	AVP
27.	Isteraj Khan, Principal / Associate Professor (BS-19) Maths	GDC Gandaf Swabi	GPGC Mardan	AVP
28.	Faheem Ashraf, Associate Professor (BS-19) of Physics	GDC Pattan Kohistan	GDC Oghi Mansehra	AVP
29.	Zafar Jamal, Associate Professor (BS-19) of Botany	GDC Lissan Nawab, Mansehra	GPGC No.1 Abbottabad	AVP
30.	Abdul Shakoar, Associate Professor (BS-19) of Islamiyat	GPGC Landi Kotal, Khyber	GDC Hayatabad, Peshawar	AVP
31.	Shahzeen Shah, Associate Professor (BS-19) of English	GDC Ekka Ghund Mohmand	GDC, Achini Payan, Peshawar	AVP
32.	Rashid Hussain Mughal, Associate Professor (BS-19) of Political Science	GDC Khan Kohi, Nowshera	GDC Mathra, Peshawar	Vice S# 33
33.	Javed Akbar, Associate Professor (BS-19) of Zoology	GDC Mathra, Peshawar	GDC, Akbar Pura, Nowshera	AVP
34.	Farman Ullah, Associate Professor (BS-19) of Zoology	GDC Thall Hangu	GC Peshawar	AVP
35.	Rashid Iqbal, Associate Professor (BS-19) of Persian / Urdu	GDC Sherwan Abbottabad	GPGC Landi Kotal, Khyber	Vice S# 36
36.	Muhammad Gul, Associate Professor (BS-19) of Chemistry	GPGC Landi Kotal, Khyber	GDC Badabher, Peshawar	AVP
37.	Khizar Hayat, Associate Professor (BS-19) of Islamiyat	GDC Zarabi, Swabi	GPGC Haripur	AVP
38.	Akhtar Gul, Associate Professor (BS-19) of Maths	GDC Ekka Ghund, Mohmand	GDC Naguman, Peshawar	AVP
39.	Muhammad Zubair, Associate Professor (BS-19) of Computer Science	GDC Pabbi, Nowshera	GDC Ekka Ghund Mohmand	Vice S# 38
40.	Muhammad Riaz, Associate Professor (BS-19) of Chemistry	GDC Thall Hangu	GDC Garhi Kapura Mardan	AVP
41.	Gul Fayaz, Associate Professor (BS-19) of Chemistry	GDC No.2, Bannu	GPGC Bannu	Vice S# 42

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42.	Abdul Nawaz, Associate Professor (BS-19) of Chemistry	GPGC Bannu	GDC No.2, Bannu	Vice S# 41
43.	Taj Muhammad, Associate Professor (BS-19) of Pashto	GPGC Bannu	GPGC Miranshah, North Waziristan TD	AVP
44.	Muhammad Naseem, Associate Professor (BS-19) of Chemistry	GDC Lachi, Kohat	GPGC Kohat	AVP
45.	Nadeem Ahmad, Associate Professor (BS-19) of Political Science	GPGC Timergara	GDC Hayeljan, Abbottabad	AVP
46.	Syed Arif Raza Zaidi, Associate Professor (BS-19) of Statistics	GDC Wadpagga, Peshawar	GDC Mathra, Peshawar	AVP
47.	Gohar Rehman, Associate Professor (BS-19) of Urdu	GDC Lund Khwar Mardan	GDC Katlang, Mardan	AVP
48.	Abdur Rasheed Khan, Associate Professor (BS-19) of Chemistry	GDC Booni, Upper Chitral	GPGC Bannu	AVP
49.	Jamshed Ullah, Associate Professor (BS-19) of Botany	GPGC Bannu	GDC Mamash Khel Bannu	Vice S# 50
50.	Niamat Ullah, Associate Professor (BS-19) of Botany	GDC Mamash Khel Bannu	GPGC Bannu	Vice S# 49
51.	Fahim Ilyas, Associate Professor (BS-19) of English	GDC KDA Kohat	GPGC Kohat	AVP
52.	Syed Sajjad Haider Naqvi, Associate Professor (BS-19) of Eng.	GDC Zarobi, Swabi	GPGC No. 1, Abbottabad	AVP
53.	Abbas Hussain Shah, Associate Professor (BS-19) of Botany	GPGC Mansehra	GPGC Mandian Abbottabad	AVP
54.	Muhammad Sarfaraz, Associate Professor (BS-19) of Economics	GDC Balakot, Mansehra	GPGC, Mansehra	AVP
55.	Aurangzeb Shah, Associate Professor (BS-19) of Maths	GDC, Tangi, Charsadda	GPGC, Charsadda	AVP
56.	Arif Jamil, Associate Professor (BS-19) of Botany	GPGC Swabi	GDC Naguman, Peshawar	AVP
57.	Dr. Saeed Akhtar, Associate Professor (BS-19) of Physics	GDC Sherwan Abbottabad	GPGC, Mandian, Abbottabad	AVP
58.	Dr. Syed Zubair Shah, Associate Professor (BS-19) of Urdu	GDC Zaida, Swabi	GSSC Peshawar	AVP
59.	Attiqu-ur-Rehman, Associate Professor (BS-19) of Zoology	GDC Mingora, Swat	GDC Samar Bagh, Dir Lower	AVP
60.	Muhammad Farooq, Associate Professor (BS-19) of Botany	GDC Darband, Mansehra	GPGC Mansehra	AVP
61.	Muhammad Ali Khan, Associate Professor (BS-19) of History	GDC Nathiagali, Abbottabad	GPGC No.1, Abbottabad	AVP
62.	Aqeel Ahmad, Associate Professor (BS-19) of History	GC, Peshawar	GDC, Hayatabad, Peshawar	Vice S# 63
63.	Shafiqat Munir, Associate Professor (BS-19) of Physics	GDC, Hayatabad, Peshawar	GDC, Pabbi, Nowshera	Vice S# 64
64.	Muhammad Ayub, Associate Professor (BS-19) of History	GDC, Pabbi, Nowshera	GC, Peshawar	Vice S# 62
65.	Ishtiaq Ahmad, Associate Professor (BS-19) of English	GDC, Battagram	GPGC No.1, Abbottabad	Vice S# 66

66.	Abdul Saboor Anis, Associate Professor (BS-19) of Islamiyat	GPGC No.1, Abbottabad	GDC, Battagram	Vice S# 65
67.	Mir Nawaz Khan, Associate Professor (BS-19) of History-Cum-Civics / Principal	GDC, WANA, South Waziristan	As Associate Professor (BS-19) at GDC, Tank	AVP
68.	Jamshed Yousafzai, Associate Professor (BPS-19) of Political Science	GDC, Shabqadar, Charsadda	As Associate Professor (BS-19) at GC Peshawar	AVP
69.	Nazir Muhammad, Associate Professor (BPS-19) of Economics	GDC Ghazni Khel, Lakki Marwat	As Associate Professor (BS-19) at GPGC, Charsadda	AVP
70.	Aftab Khan, Associate Professor (BPS-19) of Maths	GPGC Karak	GPGC Bannu	AVP
71.	Nadir Khan, Associate Professor (BPS-19) of English	GDC Dara Adam Khel, Kohat	GSSC Peshawar	AVP
72.	Rahat Shah, Associate Professor (BS-19) of Urdu	GDC Kulachi, D.I Khan	GDC Naguman, Peshawar	AVP
73.	Noor Hassan, Associate Professor (BS-19) of Pak Study	GDC, Samar Bagh, Dir Lower	As Associate Professor (BS-19) at GPGC, Timergara	AVP
74.	Mehmood Ur Rehman, Associate Professor (BS-19) of Economics	GDC, Sabir Abad, Karak	As Associate Professor (BS-19) at GDC, Takht-e-Nasrati, Karak	Vice S# 75
75.	Muhammad Shafique, Associate Professor (BS-19) of Physics	GDC Takht-e-Nasrati, Karak	As Associate Professor (BS-19) at GDC, Sabir Abad, Karak	Vice S# 74
76.	Abdul Qadir, Associate Professor (BS-19) of History	GDC Ekka Ghund, Mohmand	GDC Chagarmatti, Peshawar	AVP
77.	Ahmed Nawaz, Associate Professor (BS-19) English	GPGC Timergara, Dir Lower	GPGC No.1 Abbottabad	AVP
78.	Saeed Ahmad, Associate Professor (BS-19) of Political Science.	GDC Bakhshali, Mardan	As Associate Professor (BS-19) at GDC No.2, Mardan	AVP
79.	Dr. Muhammad Ishaq, Associate Professor (BS-19) of Urdu	GPGC Timergara, Dir Lower	As Associate Professor (BS-19) at GSSC Peshawar	AVP
80.	Muhammad Nisar Khan, Principal (BS-19),	GDC, Nawagai, Bajaur Tribal District	As Associate Professor (BS-19) at GPGC, Khar, Bajaur	AVP
81.	Hamid Khan, Associate Professor (BS-19) of Pashto	GPGC Dargai Malakand	As Associate Professor (BS-19) at GDC Totakan, Malakand	AVP
82.	Sami ul Haq, Associate Professor (BS-19) / Principal	GDC Chamla, Buner	As Associate Prof. GDC, Daggar, Buner	AVP
83.	Tehsin Ullah, Associate Prof. of Geography (BS-19)	GPGC LandiKotal, Khyber	GDC, Achini Payan, Peshawar.	AVP
84.	Shahid Ahmad, Associate Professor of Political Science (B-19)	GDC, Lund Khwar, Mardan	As Associate Professor of Political Science at GPGC, Mardan	AVP
85.	Akhtar Jan, Associate Prof. of Urdu (BS-19)	GC Peshawar	GDC Pabbi, Nowshera	AVP
86.	Hafiz Muhammad Jamil, Associate Prof. of English (BPS-19)	GDC, Arakhel, Kohat	GSSC Peshawar	AVP

87.	Mukhtar Ahmad Noor, Associate Prof. of English (BPS-19)	GSSC Peshawar	GPGC Kohat	AVP
88.	Anwar Saleem, Associate Professor (BPS-19) of English	GDC Tajori, Lakki Marwat	GPGC Lakki Marwat	Vice S# 89
89.	Adil Rehman, Assistant Professor of Geography (working against upgraded post of BS-19)	GPGC Lakki Marwat	GDC Tajori, Lakki Marwat	Vice S# 88
90.	Fazli Rehman, Associate Prof. of History Cinn Civics (BS-19)	GDC Laher, Swabi	GDC Yar Hussain, Swabi	AVP
91.	Muhammad Younas, Associate Prof. of English (B-19)	GDC Balakot, Mansehra	GDC Havelian, Abbottabad	AVP
92.	Aurang Zeb Associate Prof. of Economics (BPS-19)	GDC Kallang Mardan	GDC Daggar Buner	AVP
93.	Kaleem Ullah Associate Prof. of History (B-19)	GDC, Garhi Kapura, Mardan	GDC Bakhshali, Mardan	AVP
94.	Mukamil Khan, Associate Prof. of Pashto (B-19)	GDC Kabal Swat	G AKE PGC Matta Swat	AVP
95.	Jehanzeb Khan, Associate Professor of English (B-19)	GDC No.2, Mardan.	GPGC Mardan	AVP
96.	Javid Iqbal, Associate Professor of Urdu (B-19)	GPGC Kohat	As Associate Prof. GDC, Thall Hangu	AVP
97.	Liaqat Ali Khan, Associate Prof. of Zoology (B-19)	GDC Shabqadar Charsadda	GDC Wadpagga Peshawar	AVP
98.	Muhammad Shah, Associate Prof. of Maths (B-19)	GDC Shabqadar, Charsadda.	GDC Wadpagga, Peshawar	AVP
99.	Nadeem Akhtar, Associate Prof. of Stat.	GDC Shabqadar Charsadda	GDC Achini Payan Peshawar.	AVP
100.	Javed Ur Rehman, Associate Prof. of Urdu	GDC Zalda Swabi	GDC Kotha Swabi.	AVP
101.	Dr. Muhammad Munir, Associate Professor (BS-19) of Maths	GDC, Lissan Nawab	GPGC No.1, Abbottabad	AVP

-Sd-
SECRETARY
 HIGHER EDUCATION DEPARTMENT

ENDST: NO. & DATE EVEN.

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, Higher Education Khyber Pakhtunkhwa, Peshawar.
3. Deputy Director-IT (HEMIS Cell), Higher Education Department.
4. Principals, concerned.
5. District Accounts Officer, concerned.
6. PS to Special Assistant to Chief Minister for Higher Education Department.
7. PS to Secretary, Higher Education Department.
8. Officers concerned.
9. Master File.

for

Riaz
 (RIAZ)

SECTION OFFICER (COLLEGES-I)



OFFICE OF THE PRINCIPAL

GOVT. AKHTAR NAWAZ KHAN (SHAHEED) DEGREE COLLEGE

KTS, HARIPUR

Near Chandni Chowk, Sector No: 1, Khalabat Township, Tehsil & District Haripur

Phone: 0995-621918, Email: gdckts@gmail.com

Dated: 30.9.2021

RELIEVING CHIT

Mr. Muhammad Nisar Associate Prof of Physics (BPS-19) of this college has been transferred to Govt. Degree College Balakot Mansehra vide. Secretary Higher Education Government of Khyber Pakhtunkhwa Notification No.SO(C-I)/HE/1-5/2021/Male/Posting-Transfer/Placement Committee dated 10.09.2021.

In compliance with the above notification of Secretary Higher Education, Khyber Pakhtunkhwa and Director Higher Education Khyber Pakhtunkhwa Peshawar letter No.20947-66 (CA-II Estt./Placement Proposal dated 21.9.2021 Mr. Muhammad Nisar Associate Prof. of Physics is hereby relieved of his duties to day on 30.09.2021(AN). He is directed to report to the Principal Govt. Degree College Balakot, Mansehra for duty.

He availed 06(Six) casual leaves during the calendar year 2021.

PRINCIPAL
GOVT. ANK(S) DEGREE COLLEGE,
KTS HARIPUR.

No. 1941-5 Dated 2/10 /2021

Copy of the above is forwarded to the :-

1. PS to Secretary Higher Education Department, Govt. Khyber Pakhtunkhwa, Peshawar.
2. Director Higher Education Khyber Pakhtunkhwa Peshawar. with ref. to his letter No.20947-CA-II Estt: Placement proposal dated 21.9.2021.
3. District Accounts Officer Haripur.
4. Principal Govt. Degree College Balakot Mansehra.
5. Officer Concerned.
6. Office Copy.

PRINCIPAL
GOVT. ANK(S) DEGREE COLLEGE,
KTS HARIPUR.



GOVERNMENT COLLEGE BALAKOT
(MANSEHRA)



No: BS-17D

Dated: 07-10-2021

To

The Director,
Higher Education Department,
KPK Peshawar.

Subject: NONCOMPLIANCE TO TRANSFER ORDER BY MR. MUHAMMAD NISAR AT GC BALAKOT

Memo:

With reference to the transfer order No. SO(C-1)/HE/1-5/2021/Male dated 10-09-2021, it is stated that Mr. Muhammad Nisar, Associate professor of Physics has been transferred from GDC KTS Haripur to GDC Balakot at S.No. 25 of mentioned notification but he has not yet reported/submitted arrival report in office of undersigned. According to the Principal GDC KTS Haripur, Mr. Muhammad Nisar has been relieved but his non arrival at GC Balakot is not understandable.

It is worth mentioning that BS Physics Department is fully functional at this college at maturity level and there is dire need of a teacher.

It is humbly requested that Mr. Muhammad Nisar may be directed to report his arrival at GC Balakot with immediate effect so that no any other teacher may be hired from the market to meet academic needs of students of BS Physics.

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Principal
GC Balakot



DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA
Ramp Garhi, Peshawar

Tel: 091-2650025 / 9330496

Facebook: /dhekpeshawar Twitter: /dhekpeshawar

E-mail: - dhekpkpesh@gmail.com

Dated Peshawar the 07/10/2021

No. 25284 / CA-1/ Estt. Branch/A-12/Muhammad Nisar/Physics

To

REGISTERED
MOST IMMEDIATE

Mr. Muhammad Nisar S/O Muhammad Yaqoob
Associate Professor of Physics
Street # 07, Babu Mohallah, Haripur

SUBJECT: ABSENT FROM DUTY W.E.F 01.10.2021.
Respected Sir, السلام عليكم

I am directed to refer to the subject cited above and to state that you have been transferred from Govt; Degree College, KTS, Haripur to Govt; Degree College, Balakot, Mansehra vide Notification No. SO (Colleges-I)/HE/1-5/2001Male/Posting/ Transfer/Placement Committee dated 10.09.2021. Despite the fact, that Principal Govt; Degree College, KTS, Haripur relieved you on 30.09.2021 (A.N) vide Endst. No. 194650 dated 02.10.2021, but as per report of the Principal, Govt; Degree College, Balakot, Mansehra you have not so far reported for duty at the College. The session is in full swing and the students are being suffered badly due to non-availability of teacher in the subject of Physics. The Director, Higher Education, Khyber Pakhtunkhwa has taken a serious notice over this situation and has directed to take action under Rule-09 against you.

As sequel to the foregoing, you are directed to report for duty against your new assignment immediately under intimation to this office failing which ex-parte action will be taken against you under E&D Rules, 2011.

07/10/2021
ASSISTANT DIRECTOR (ESTT-1)

Endst; No. 25285-87

Copy of the above is forwarded to the:-

1. PS to Secretary, Higher Education, Khyber Pakhtunkhwa.
2. Principal, Govt; Degree College, Balakot, Mansehra vide reference to his letter No. 2316 dated 01.10.2021 with remarks to intimate latest position in the matter according to the
3. PA to Director, Higher Education, Khyber Pakhtunkhwa.

07/10/2021
ASSISTANT DIRECTOR (ESTT-1)



DIRECTORATE OF HIGHER EDUCATION

KHYBER PAKHTUNKHWA,

KHYBER ROAD PESHAWAR

Phone # 091-9210242, 9211025/Fax # 9211803

No. 99/17 / CA-11/ Estt. Branch/A-12/Mohd Nasir/ Physics

Dated Peshawar the 15 / 4 / 2017

To

Prof: Abdul Wahab
Principal
Govt; Post Graduate College, Haripur.

SUBJECT

CONSTITUTION OF INQUIRY COMMITTEE.

Memo:

I am directed to enclose herewith a copy of letter No. 98 dated 31.01.2017 received from the Principal Govt: Degree College, Khanpur (Haripur) which is self-explanatory on the subject cited above and to state that the Director, Higher Education, Khyber Pakhtunkhwa is pleased to appoint you as Inquiry Officer in the subject case.

It is requested to probe into the allegations and conduct an inquiry in the captioned case and send report alongwith recommendations to this office within a week positively for onward submission to the Provincial Government.

Endst; No. 99/17-98/1

ok **DY: DIRECTOR (ESTABLISHMENT)**

Copy of the above is forwarded to the:-

1. Principal Govt; Degree College, Khanpur (Haripur) with reference to his letter No. referred above.
2. Prof: Ghulam Sarwar, Principal, Govt; Degree College, Havelian (Abbottabad) with the remarks that this office letter No. 98 dated 14.03.2017 is hereby withdrawn.

DY: DIRECTOR (ESTABLISHMENT)

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OFFICE OF THE PRINCIPAL GOVERNMENT POSTGRADUATE COLLEGE
HARIPUR

No. 1337

13th June, 2017

The Deputy Director (Establishment)
Higher Education Department
Khyber Pakhtunkhwa
Peshawar

Subject: **Constitution of Inquiry Committee**

Memo:

P 462

Reference your office letter No. 9988/CA-II/Estt: Branch/A-12/Mohd. Nisar/Physics dated 10th April, 2017 on the above subject and to state that the said inquiry was conducted on 27th April, 2017 at GDC Khanpur, District Haripur.

Statements of all concerned were recorded and questions put forth to clarify whether the allegations of the Principal GDC Khanpur against Mr. Mohammad Nisar, Associate Professor of Physics at GDC Khanpur were based on facts. Copies of relevant portions of the official documents including register of the classes which Mr. Mohammad Nisar taught were also taken to examine the case.

After in depth study of the case the following facts came out to the surface which are stated/discussed one by one and in conjunction with other facts where necessary.

1. In his statement, Mr. Mohammad Nisar, Associate Professor of Physics, has given detailed history of his transfer and stay at GDC Khanpur and alleged that Mr. Liaqat-ur-Rehman, Associate Professor of Pakistan Studies, was directed by the Principal GDC Khanpur to adjust the classes of Mr. Nisar as such to give him tough time. He further added that his second year class was given to another teacher of physics without taking him into confidence/consideration (Annex A). Both the allegations were denied by the Principal GDC Khanpur in his written

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statement as well as verbally when asked. The Principal GDC Khanpur, on the contrary, asserted that Mr. Nisar handed over his class of 1st year to the other teacher of Physics and changed the timings of class period of 3rd year without taking him into confidence (Annex B). Mr. Nisar has a long list of allegations against the principal and other staff which does not come under the purview of this inquiry because this specific inquiry is against Mr. Nisar's casual behavior in taking class periods and practical of his classes and staying for a short period at the college.

2. The alleged Associate professor of Physics has accepted that he had completed the course to his 2nd year class in mid-January, 2017 (Annex C) and his class register (Annex D) depicts that he took class periods of 2nd year till 27th February, 2017 which he had to take till the end of April of the same year. It shows that he has not followed the course outline/planning for his 2nd year class. On examining the register of Mr. Nisar for 2nd year students, he has entered attendance of students on those dates for which he had applications to the principal for casual leave [19th November, 2016 (written as November, 2017), 19th January, 2017 and 2nd January, 2017]. The absent days are in addition to these on which the teacher was on casual leave but has entered presence in the class register (Annex D and Annex E have all the details).
3. Statements from some students available on the date of inquiry and those who were telephonically contacted and provided their statements later on clearly show that the said Mr. Mohammad Nisar, Associate Professor of Physics is least interested in teaching and that he dishonours the degree level students, as well (Annex F and Annex H).
4. Mr. Liaqat-ur-Rehman, Associate Professor of Pakistan Studies has categorically denied allegations level against him by Mr. Mohammad Nisar, Associate Professor of Physics (Annex G). This was also denied by two students of B.Sc. (3rd Year), Mr. Ahmad Ali and Mr. Habibullah when asked about the involvement of Mr. Liaqat in instigating students against Mr. Nisar.
5. All the students gave application on 22nd November, 2016 and another student gave application on 9th March, 2017 to the principal (Annex H) about the attitude of Mr. Mohammad Nisar, Associate Professor of Physics about teaching the

Justice

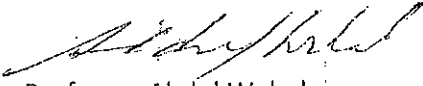
course and expulsion of students from class. The principal requested, in writing (Annex I), the said Mr. Nisar to allow the students in his class but to no avail. The principal constituted an inquiry committee (Annex J) to look into the matter of verbal suspension of a student of B.Sc (3rd year) but didn't follow it up and, according to the statement of the student, his two precious months were wasted by the teacher on the pretext that let the inquiry report come and the matter will be decided then (Mr. Ahmad Ali student of 3rd year who also brought his parents to beg pardon of the teacher but he didn't entertain his request). This again is not a teacher's attitude.

6. During the whole period of inquiry Mr. Mohammad Nisar, Associate Professor of Physics talked irrelevant on all questions posed to him which presumably shows his distorted state of mind.

As the situation is alarming and Mr. Mohammad Nisar, Associate Professor of Physics is disinterested both in attending the college and completing his teaching/practical work properly as well as dishonouring his students, the following steps are suggested to remedy the situation at the college.

- I. Mr. Mohammad Nisar, Associate Professor of Physics presently teaching at GDC Kahnpur, District Haripur may be referred to Medical Board whether he is fit for further teaching and
- II. The principal should keep an eye on what is happening around him in the college and take in time remedial measures so that the situation doesn't deteriorate to such a point.

Inquiry report submitted for further necessary action at your end please.


Professor Abdul Wahab
Principal GPGC Haripur
District Haripur

Encls:
Annex A to Annex J



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

NO.SO(C-1)/HE/1-780/2021/Muhammad Nisar
Dated Peshawar the 12/02/2021

To

1. Mr. Asghar Ali (BS-20 PCS SG),
Secretary to Government of Khyber Pakhtunkhwa,
Population Welfare Department,
Civil Secretariat, Peshawar.
2. Prof. Nasrullah Khan,
Principal,
Government College, Peshawar.

Subject: DISCIPLINARY PROCEEDINGS AGAINST MR. MUHAMMAD NISAR,
ASSOCIATE PROFESSOR (BPS-19) OF PHYSICS, GOVERNMENT AKHUNZAR
NAWAZ KHAN (SHAHEED) DEGREE COLLEGE, KTS, HARIPUR.

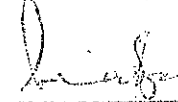
Dear Sir,

I am directed to refer to the subject cited above and to state that the competent authority (*Chief Secretary*) has been pleased to appoint you as Enquiry Officer(s) / Committee under E&D Rules-2011 regarding the subject case. Copy of the approved Summary along with Charge Sheet and Statement of Allegations are enclosed herewith for your kind information.

It is, therefore, requested to kindly conduct an enquiry against the accused officer under E&D Rules-2011 and furnish report thereof to this Department within thirty days, please.

Encl. As above.

Yours faithfully,


(RIAZ)

SECTION OFFICER (COLLEGES-D)

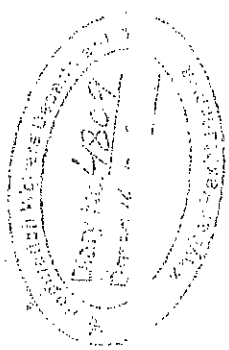
Enclst: No. & Date as above.

Copy to the Director, Higher Education Khyber Pakhtunkhwa Peshawar with the request to depute a well conversant representative of the Directorate of Higher Education, along with relevant record, to assist the enquiry Officers during the enquiry proceedings, when desired by the committee. Furthermore, Charge Sheet and Statement of Allegations are enclosed herewith to be served upon the accused officer, please.

SECTION OFFICER (COLLEGES-D)

PP discuss
2.12.21
Muhammad Rahman

Justice





GOVERNMENT OF KHYBER PAKHTUNKHWA
POPULATION WELFARE DEPARTMENT

2nd Floor, A-Block, Abdul Wali Khan Multiplex
Civil Secretariat Peshawar

Tel. 011-9211535

Fax 091-9223622

No. PS/SECY/PWD/INQ:M.NISAR-AP-HED//2021 Dated Peshawar, the 17th February 2021

OUT TODAY
BY TCS

To

Mr. Muhammad Nisar
Associate Professor of Physics
Akhtar Nawaz Khan (Shaheed) Degree College
Khalabat Township (KTS) Haripur
0349 5777161

Subject: Disciplinary Proceedings against Mr. Muhammad Nisar, Associate Professor of Physics (BS-19), Government Akhtar Nawaz Khan (Shaheed) Degree College, KTS Haripur

Please refer to Higher Education Department letter No. SO(C-I)/HE/1-780/2021/Muhammad Nisar/2700-2701 dated 12.2.2021, whereby the undersigned and Prof. Nasrullah Khan, Principal, Government College Peshawar have been appointed as Inquiry Officers/Committee in the subject case.

2. You are requested to provide reply to the Charge Sheet, served upon you by the competent authority through Higher Education Department, Government of Khyber Pakhtunkhwa, to the undersigned within 07 days on the following address physically or through courier post :-

Population Welfare Department
2nd Floor, A-Block, Abdul Wali Khan Multiplex
Civil Secretariat Peshawar.

3. Copies of Charge Sheet and Statement of Allegations are attached.

(ASGHAR ALI)
Secretary/Convener
Inquiry Committee

Copy to :-

1. Prof. Nasrullah Khan, Principal/Member Inquiry Committee, Government College, Faqirabad Peshawar
2. Mr. Riaz, Section Officer (Colleges) Higher Education Department Peshawar

Secretary/Convener
Inquiry Committee

CHARGE SHEET

I, Dr. Kazim Niaz, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Mr. Muhammad Niaz, Associate Professor of Physics (B-19), Govt. Abdur Niaz Khan (Shahredh) Degree College, KTS, Haripur as follows:

That you, while posted as Assistant Professor of Physics at Govt. Degree College, Khanpur, Haripur committed the following irregularities:

- i. That you allegedly handed over class of 1st Year to the other teacher of Physics and changed the timing of class period of 3rd Year without taking him into confidence.
 - ii. That despite the fact that you were on casual leave on 19.11.2016 and 02.01.2017, yet you entered the attendance of the students on the every dates and thus bluntly violated the rules.
 - iii. That your attitude with the students and the staff was hostile/ arrogant due to which they had to lodge complaints against you.
 - iv. That you remained irregular/ unpunctual and least interested in performance of your duties. Because of your casual attitude towards performance of your duties, you failed to complete teaching/ practical work properly.
 - v. That a preliminary inquiry was conducted by Prof. Abdul Wahab, Ex-Principal, Govt. Post Graduate College, Haripur who in his inquiry report recommended to refer you to medical Board for medical examination to determine as to whether you were fit for duty or otherwise due to your distorted state of mind.
2. By reason of the above, you appear to be guilty of misconduct under rule 03 of the Khyber Pakhtunkhwa, Peshawar Govt. Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 04 of the Rule ibid.
 3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Enquiry Officer/ Committee, as the case may be.
 4. Your written defence, if any, should reach the Enquiry Officer/ Committee within the specific period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
 5. Intimate whether you desire to be heard in person.
 6. A statement of allegations is enclosed.

jothrey

Kazim Niaz
CHIEF SECRETARY,
KHYBER PAKHTUNKHWA

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DISCIPLINARY ACTION

1. Dr. Kuchin Niaz, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, on the opinion that Mr. Mohammad Nisar, Associate Professor of Physics, Govt; Akhtar Nawaz Khan (Shaheed), Degree College, KTS, Haripur has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of rule 03 of the Khyber Pakhtunkhwa Govt; Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- i. That he allegedly handed over class of 1st Year to the other teacher of Physics and changed the timings of class period of 3rd Year without taking him into confidence.
 - ii. That despite the fact that he was on casual leave on 19.11.2016 and 02.01.2017, yet he entered the attendance of the students on the very dates and thus bluntly violated the rules.
 - iii. That his attitude with the students and the staff was hostile/ arrogant due to which they had to lodge complaints against him.
 - iv. That he remained irregular/ unpunctual and least interested in performance of his duties. Because of his casual attitude towards performance of his duties, he failed to complete teaching/ practical work properly.
 - v. That a preliminary inquiry was conducted by Prof. Abdul Wahab, Ex-Principal, Govt; Post Graduate College, Haripur who in his inquiry report recommended to refer him to medical Board for medical examination to determine as to whether he was fit for duty or otherwise due to his distorted state of mind.
2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/ inquiry committee, consisting of the following, is constituted under rule 10 (1) (a) of the ibid rules.

- i. Mr. Asghar Ali, P.C.S.C. (B.S. 2011) Secy Population
- ii. Prof. Mohammad Khan, P.C.S.C. (B.S. 2011)

Justice

- 3. The inquiry officer/ inquiry committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
- 4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/ inquiry committee.

Muzam Niaz
CHIEF SECRETARY,
KHYBER PAKHTUNKHWA



No. PS/SECY/PWD/INQ;NISAR;AR-HEL-2021 Dated: Peshawar, the March 22, 2021

To

Mr. Muhammad Nisar,
Associate Professor of Physics,
Akhtar Nawaz Khan (Shaheed) Degree College,
Khalabat Township, Haripur

Subject: Disciplinary Proceedings against Mr. Muhammad Nisar, Associate Professor of Physics (BS-19), Government Akhtar Nawaz Khan (Shaheed) Degree College, KTS, Haripur

Dear Sir,

Reference your reply to the charge sheet dated 23.02.2021, it is stated that the contents of your letter are short of the procedure adopted in such cases as you have not provided charge-wise replies.

2. You are requested to provide charge-wise reply to all the five charges mentioned in the Charge Sheet.

3. You are further requested to keep your reply limited to the charges and avoid unnecessary detail,

fatima

Asghar Ali
(ASGHAR ALI) 22-03-21

OSD Estb Dept/Convener Inquiry Committee

Copy to:

1. Professor Nasrullah Khan, Principal, Government College, Peshawar (Member Enquiry Committee).
2. Section Officer (Colleges-I), Higher Education Department, Peshawar

Asghar Ali
22-03-21

Secretary /Convener Inquiry Committee

Annex - L

Annex - L

46

No. PS/SECY/PWD/INQ/NISAR-AP-HED/021 Dated Peshawar, the April 08, 2021

To
Mr. Muhammad Nisar,
Associate Professor of Physics,
Akhtar Nawaz Khan (Shaheed) Degree College,
Khalabat Township, Haripur

Subject: Personal Hearing at 11 am on 12.04.2021

Disciplinary Proceedings against Mr. Muhammad Nisar, Associate Professor of Physics (BS-19), Government Akhtar Nawaz Khan (Shaheed) Degree College, KTS, Haripur.

Dear Sir,

Reference Enquiry Committee letter of even number dated 22.03.2021 wherein you were requested to provide Charge-wise reply, however, we could not receive your reply till date.

2. The Enquiry Committee has decided to give you the opportunity of Personal Hearing, as per your request, at 11 am on 12 April, 2021 (Monday) at the office of Principal, Government College Peshawar.

3. You are required to attend the Personal Hearing at the time and venue mentioned in para 2 above.

4. You are further required to submit your written charge-wise reply before or during Personal Hearing.

5. In case you do not attend the Personal Hearing then the Enquiry Committee will be constrained to conclude the Enquiry, ex-parte.

Asghar Ali

(ASGHAR ALI) 08.04.21

OSD Estb Dept/Convener Inquiry Committee

Copy to:

4. Professor Nasrullah Khan, Principal, Government College, Peshawar (Member Enquiry Committee).
5. Section Officer (Colleges-I), Higher Education Department, Peshawar
6. Khawaja Mohammad Saqib, Assistant Director (General), Directorate of Higher Education (Departmental Representative). He is requested to attend the Personal Hearing.

Asghar Ali
Secretary / Convener Inquiry Committee

08.04.21

for copy

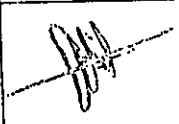
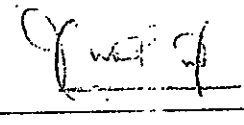
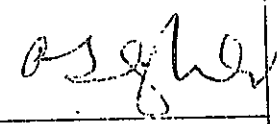
Attendance sheet for personal hearing of Mr. Muhammad Nisar, Associate Professor (BS-19) of Physics, Government Akhtar Nawaz Khan (Shaheed) Degree College, Khalabat Township, Haripur in pursuance of Government of Khyber Pakhtunkhwa, Higher Education Department letter No. SO(C-1) /HE/1780/ 2021/Muhammad Nisar/2700 dated 12.02.2021 held on 12.04.2021

In order to provide an opportunity of personal hearing to Mr. Muhammad Nisar, Associate Professor (BS-19) of Physics, Government Akhtar Nawaz Khan (Shaheed) Degree College, Khalabat Township, Haripur, he was informed vide letter No. No . PS/SECY/PWD/INQ;NISAR-AP-HED/2021 dated Peshawar, the April 08, 2021 by the Enquiry Committee through TCS which was accordingly delivered at his residence as informed by the Principal of the concerned college and was also informed by the Deputy Director (Establishment), Directorate of Higher Education vide letter No. 8557/CA-1/Estb branch/A-12/Muhtd Nisar/Physics dated 09.04.21 that his personal hearing was scheduled to be held on 12.04.21 at 11 am at the office of the Principal, Government College Peshawar. He was requested to attend the same.

He was tried to be contacted through phone calls and text messages on his cell No. 0349-5777161, however, he neither received the phone calls nor replied the text messages.

The Enquiry Committee waited for his arrival at the appointed date, time and venue, however, he did not appear before it. Therefore, was decided to conclude the Enquiry Ex-party.

Justice

S.No	Name	Designation	Department	Signature
1.				
2.	Khanuja M. Saqib	Assistant Director	Directorate of Higher Education	
3.	Nasrullah Khan	Principal	Govt College Pesh	
4.	ASGHAR ALI	Ex Secy PWD OSD, ESTB	Estb Dept	
5.				

MI A (48)

Enquiry report

Enquiry in pursuance of Government of
Khyber Pakhtunkhwa, Higher Education
Department letter No. SO(C-I) /HE/1-
780/2021/Muhammad Nisar/2700 dated
12.02.2021 in case of
Mr. Muhammad Nisar, Associate Professor
(BS-19) of Physics, Government Akhtar
Nawaz Khan (Shaheed) Degree College,
Khalabat Township, Haripur

Asghar

Conducted by

Asghar Ali (PCS SG BS 20), Director Staff Training
Institute, Peshawar

Professor Nasrullah Khan, (BS 20), Chairman, BISE,
Peshawar

ENQUIRY REPORT

Enquiry in pursuance of Government of Khyber Pakhtunkhwa, Higher Education Department letter No. SO(C-I) /HE/1-780/ 2021/Muhammad Nisar/2700 dated 12.02.2021 in case of Mr. Muhammad Nisar, Associate Professor (BS-19) of Physics, Government Akhtar Nawaz Khan (Shaheed) Degree College, Khalabat Township, Haripur

The Higher Education, Archives and Libraries Department, Government of Khyber Pakhtunkhwa informed vide letter No. SO(C-I) /HE/1-780/ 2021/Muhammad Nisar/2700 dated 12.02.2021 (Annex-I) that the Competent Authority had appointed Mr. Asghar Ali, (PCS SG BS 20), Ex Secretary Population Welfare Department, now, Director Staff Training Institute, Peshawar and Professor Nasrullah Khan (BS 20), Ex Principal, Government College, Peshawar, now Chairman BISE Peshawar to conduct enquiry into the following allegations against Mr. Muhammad Nisar, Associate Professor (BS-19) of Physics, Government Akhtar Nawaz Khan (Shaheed) Degree College, Khalabat Township, Haripur that:-

He while posted as Assistant Professor of Physics at Government Degree College Khanpur, Haripur committed the following irregularities: -

- i. That he allegedly handed over class of first year to the other teacher of Physics and changed the timings of class period of Third year without taking him in to confidence.
- ii. That he despite the fact that he was on casual leave on 19.11.2016 and 02.01.2017 yet he entered the attendance of the students on the very dates and thus bluntly violated the rules.
- iii. That his attitude with the students and the staff was hostile/arrogant due to which they had to lodge complaints against him.
- iv. That he remained irregular/unpunctual and least interested in performance of his duties. Because of his casual attitude towards performance of his duties, he failed to complete teaching/practical work properly.
- v. That a preliminary inquiry was conducted by Prof. Abdul Wahab, Ex Principal Government Post Graduate College, Haripur who in his inquiry report recommended to refer him to Medical Board for medical examination to determine as to whether he was fit for duty or otherwise due to his distorted state of mind

Asghar

Enquiry Proceedings

2. The Higher Education Department has stated in the note for the Chief Secretary that Principal Government Postgraduate College No.1 Abbottabad lodged a complaint against Mr. Muhammad Nisar, Associate Professor (BS 19) of Physics of his college wherein allegations of irresponsibility and less interest in duties were levelled. A fact-finding enquiry was conducted by Prof. Aboul Wahab, Ex Director Higher Education wherein all allegations were proved against the officer. According to the record, the said fact-finding enquiry was conducted at Government Degree College Khanpur, Haripur on 27.04.2017 (Annex-II). The Higher Education Department initiated case of this formal enquiry against the officer on 27.11.2020. The note for Chief Secretary was returned by the Establishment Department with the observation that charges against the officer were deficient and abstract and returned the note to HED on 23.12.2021 to resubmit revised charge sheet. The HED submitted the case with revised charge sheet to Establishment Department on 25.01.2021. Establishment Department submitted the case to the Chief Secretary (Competent Authority) on 02.02.2021. The competent Authority approved the panel of Mr. Asghar Ali, (BS 20, PCS SG) and Professor Nasrullah Khan, BS 20, Higher Education Department on 04.02.2021. The HED issued letter to the Enquiry officers on 12.02.2021 (Annex-I), which was received on 17.02.2021.

3. The Enquiry Committee requested the accused officer on 17.02.2021 to provide reply to charges within 7 days (Annex-III). The Enquiry Committee requested Section Officer (Colleges I), HED to provided copy of fact-finding enquiry report and particulars of the Departmental Representative on 17.02.2021 (Annex-IV). The Section Officer (Colleges I) provided copy of fact-finding enquiry report on 18.02.2021 (Annex-V). The Directorate Higher Education nominated Khawaja Mohammad Saqib, Assistant Director (General) as Departmental Representative on 19.02.2021 (Annex-VI). The accused officer provided reply to the charges on 23.02.2021 (Annex-VII).

Reply of the accused officer to the Charges

4. The accused officer in his reply dated 23.02.2021 (Annex-VII) informed that another fact-finding enquiry was conducted on the same charges on 15.02.2018 in which he was cleared of all charges then why the Department had based this enquiry on older fact-finding enquiry. Raising the same allegations after three years is injustice and cruelty as it depressed him and is evidence to damage his service by a maphia (sic). He wanted to be heard in person.

5. The Departmental Representative was requested to provide a copy of the second fact finding enquiry along with annexures conducted on 15.02.2018, however, he informed on 20.05.21 that he could not find such an enquiry in the record.

6. The accused officer did not provide charge-wise reply; therefore, he was asked to provide the same vide letter dated 22.03.2021 (Annex-VIII), however, he did not provide reply in spite of the fact that the letter was received by him. He was contacted through mobile number 0349-5777161, provided by the Principal of the Government Degree College Khalabat Township, Haripur and confirmed by Khwaja Saqib, the departmental representative. He never responded to text message and phone call on this number. He was conveyed the message through Prof: Mohammad Shafi, Principal, Government Akhtar Nawaz degree college, Khalabat Haripur to re-submit reply. After waiting for a long time, it was decided by the Enquiry Committee to afford the accused officer an opportunity of personal hearing as requested by him. Therefore, he was informed through letter dated 08.04.21 (Annex-IX) sent through TCS that his personal hearing was scheduled to be held at 11 am on 12.04.2021 in the office of the Principal, Government College, Peshawar.

Personal hearing

7. In order to give a chance of personal hearing to the accused officer and cross examination to the Departmental representative, a meeting was held in the office of the Principal, Government College Peshawar at 11 am on 12.04.2021. Attendance sheet is at Annex-X). The Personal hearing was attended by the following: -

- i. Mr. Asghar Ali, OSD, Establishment Department (Member Enquiry Committee)
- ii. Prof: Nasrullah Khan, Principal, Government College, Peshawar (Member Enquiry Committee)
- iii. Khawaja Mohammad Saqib, Assistant Director (Estb), Directorate of Higher Education (Departmental Representative)

8. The accused officer did not attend the personal hearing in spite of the fact that he was informed through letter sent through TCS which reached him at 01:23 pm on 09.04.2021, however, he refused to receive it. The letter was received back undelivered (Annex-XI). He was verbally informed about the personal hearing by the Principal of the College on 09.04.21 and a copy of the letter was delivered at his house by Mr. Tariq, Naib Qasid which was received by Mr. Iftikhar, brother of the accused officer on 09.04.2021 for information of the accused officer as informed by the Principal.

Jasir

9. The Enquiry Committee waited for the accused officer from 11 am up to 12 noon and then decided to complete the enquiry Ex-parte.

Findings

10. The findings on the basis of fact-finding enquiry, reply of the accused officer to the charge sheet and information provided by the departmental representative are as under: -

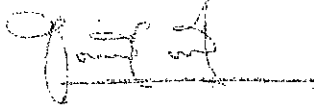
- i. It has been noted with concern that no justification has been given for initiating formal enquiry on 27.11.2020 on the basis of fact-finding enquiry conducted in 2017; after lapse of a period of three years. The reasons for such a long delay need to be investigated.
- ii. Letter of Principal GDC Khanpur, Haripur addressed to the Director Higher Education dated 27.04.2017 through which he had informed the later about the casual leave and absence from duty does not mention 19.11.2016 as casual leave or absence while 02.11.2017 has been mentioned as absence while charge sheet mentions it as casual leave (Annex-XII).
- iii. The charges in themselves are of trivial nature and should have been addressed by the Principal of the concerned college at his own level.
- iv. The departmental representative informed that no fact-finding enquiry against the accused officer conducted in February, 2018 was available on record, as pointed out by the accused officer in his reply dated 23.02.2021.
- v. The attitude of the accused officer during proceedings of this enquiry did not project him as a responsible officer as he did not provide charge-wise reply to the charge sheet and also willfully absented himself from the personal hearing held on 12.04.2021.
- vi. The accused officer did not avail the opportunity of providing his version of the charges in writing as well as through personal hearing which render him liable to be proceeded further through this enquiry process.

Allegations:

11. Having penned down the above, the Enquiry Committee is of the view that since the accused officer did not provide charge-wise reply and did not attend the personal hearing meeting held on 12.04.2021, on his request, demonstrates that he has no defence to offer and thus rendered himself to be proceeded further. Hence, the Enquiry

Committee deduces that all charges against him were correct and concludes the enquiry ex-parte.

12. The Enquiry report comprising 6 pages along with XII annexures is submitted.

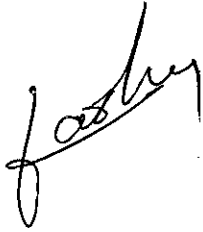


(NASRULLAH KHAN)
(Member Enquiry Committee)
(BS 20 HED)
Chairman,
BISE, Peshawar
20.05.2021



(ASGHAR ALI)
(Member Enquiry Committee)
(PCS 5G BS 20)
Director
Staff Training Institute, Peshawar
20.05.2021

20.05.21





DIRECTORATE OF HIGHER EDUCATION

KHYBER PAKHTUNKHWA

Rano Garhi, Peshawar

Tel # 091-2650025 / 2650024

E-mail:- dhekpkes@gmail.com Facebook.com/dhekpkes Peshawar Twitter.com/dhekpkes Peshawar

No. 15829 / CA-I/ Estt. Branch/A-12/Muhammad Nisar/ Physics

Dated Peshawar the 27/07/2021

To

The Principal
Govt; Akhtar Nawaz Khan (Shaheed) Degree College,
KTS, Haripur.

SUBJECT DISCIPLINARY PROCEEDINGS AGAINST MR. MUHAMMAD NISAR, ASSOCIATE PROFESSOR OF PHYSICS (B-18).

Respected Sir, السلام عليكم

I am directed to refer to the subject cited above and to enclose herewith two copies of Show Cause Notice in respect of Mr. Muhammad Nisar, Associate Professor of Physics of your College with the request that the same may be served upon the accused officer concerned and return one copy to this office after obtaining his signature as token of receipt alongwith reply to the Show Cause Notice within the prescribed limit time for onward submission to the Provincial Government.

27/07/2021
/c ASSISTANT DIRECTOR (ESTT)

Endst; No. 15829 /

Copy of the above is forwarded to the Section Officer (Colleges-I) Govt; of Khyber Pakhtunkhwa, Higher Education Department Peshawar with reference to his letter No. SO (Colleges-I) /HE/1-280/M.Nisar dated 19.07.2021.

27/07/2021
/c ASSISTANT DIRECTOR (ESTT)

SHOW CAUSE NOTICE

(55)

I, Mahmood Khan, Chief Minister, Khyber Pakhtunkhwa, as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Muhammad Nisar, Associate Professor (B-19), Govt. Akhtar Nawaz Khan (Shaheed) Degree College NTS, Haripur as follows:-

1. That consequent upon the completion of formal inquiry conducted against Mr. Muhammad Nisar, Associate Professor of Physics (B-19), Govt. Akhtar Nawaz Khan (Shaheed) Degree College NTS, Haripur by Mr. Asghar Ali, (PCS SG BS-20, Director, Staff Training Institute, Peshawar and Professor Nasrullah Khan, (BS-20), Chairman, BISE, Peshawar.

2. Ongoing through the findings and recommendations of the Inquiry Committee, the material on record and other connected papers before the Inquiry Committee:-

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

(a) Guilty of inefficiency.

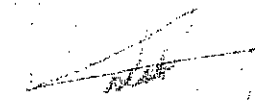
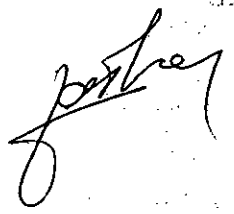
(b) Guilty of misconduct.

3. As a result thereof, I as Competent Authority, have tentatively decided to impose upon you the penalty of Compulsory Retirement from Service under rule-4 of the said rules.

4. 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.

5. If no reply to this notice is received within fifteen (15) 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.

6. A copy of findings of the Inquiry Committee is enclosed.



(Mahmood Khan)
CHIEF MINISTER,
KHYBER PAKHTUNKHWA



OFFICE OF THE PRINCIPAL



GOVT. AKHTAR NAWAZ KHAN (SHAHEED) DEGREE COLLEGE KTS,
HARIPUR

Near Chandni Chowk, Sector No. 1, Khalabat Township, Tehsil & District Haripur

Phone: 0995-621918, Email: gdckts@gmail.com

No: 1587

Dated: 03/08/21

To,

The Director Higher Education,
Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: DISCIPLINARY PROCEEDINGS AGAINST MR. MUHAMMAD NISAR,
ASSOCIATE PROFESSOR OF PHYSICS (B-19).

Memo:

Reference your letter No. 15931/CA-I/Estt. Branch /A-12/Muhd. Nisar /Physics
dated 27.7.2021

It is hereby stated that a copy of the Show Cause Notice in respect of
Mr. Muhammad Nisar, Associate Prof. of Physics (BPS-19) of this college has been
received to him today on 03.08.2021 and directed him to put his signature on the other copy
of the same Show Cause Notice. However, he refused to sign the other copy.

Hence the other copy of the said Show Cause Notice is returned without his
signature for further necessary action please.

Signature

DDF

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Principal

Govt. ANK (Shaheed) Degree College
KTS, Haripur.

03/08/2021

SHOW CAUSE NOTICE

I, Mahmood Khan, Chief Minister, Khyber Pakhtunkhwa, as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Muhammad Nisar, Associate Professor of Physics (B-19), Govt. Akhtar Nawaz Khan (Shahheed) Degree College KTS, Haripur as follows:-

1. That consequent upon the completion of formal inquiry conducted against Mr. Muhammad Nisar, Associate Professor of Physics (B-19), Govt. Akhtar Nawaz Khan (Shahheed) Degree College KTS, Haripur by Mr. Asghar Ali, (PCS SC BS-30), Director, Staff Training Institute, Peshawar and Professor Nasrullah Khan, (ES-20), Chairman, HSE, Peshawar

2. Ongoing through the findings and recommendations of the Inquiry Committee, the material on record and other connected papers before the Inquiry Committee:-

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

- (a) Quality of work done.
- (b) Quality of management.

3. As a result thereof, I as Competent Authority, have tentatively decided to impose upon you the penalty of Compulsory Retirement under rule-4 of the said rules.

Jaster

4. 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.

5. If no reply to the notice is received within the stipulated time, the matter shall be deemed to be final and the penalty shall be imposed upon you as aforesaid.

6. Copy of findings and recommendations of the Inquiry Committee.

Annex - P



GOVT. OF KHYBER PAKHTUNKHWA
ZAKAT, USHK, SOCIAL WELFARE, SPECIAL EDU: & WOMEN
EMPOWERMENT DEPARTMENT, BENEVOLENT FUND BUILDING,
PESHAWAR CANTT.

No. SOG(SWD)4-2 / 1620 / 19/2021
Dated Peshawar the, 02-11-2021.

13453-5

To: The Secretary to Govt of Khyber Pakhtunkhwa,
Higher Education Archives & Libraries Department,
Peshawar.

Subject: DISCIPLINARY PROCEEDING AGAINST MR. MUHAMMAD
NISAR, ASSOCIATE PROFESSOR (BS-19) OF PHYSICS,
GOVERNMENT AKHTAR NAWAZ KHAN (SHAHEED) DEGREE
COLLEGE, KTS, HARIPUR.

Dear Sir,

I am directed to refer to the subject noted above and to state that the competent authority i.e Chief Minister, Khyber Pakhtunkhwa has been pleased to authorize Mr. Zulfqar Ali Shah, Secretary to Govt of Khyber Pakhtunkhwa, Social Welfare Department to conduct personal hearing on his behalf in respect of Mr. Muhammad Nisar, Associate Professor BS-19 of Physics, Govt Akhtar Nawaz Khan (Shaheed) Degree College, KTS, Haripur into the allegations reflected in the charge sheet and statement of allegations by the inquiry committee and subsequently show cause notice has been served upon the accused Officer.

In view of the above, it is requested that a Departmental Representative well conversant with the case may kindly be deputed to assist the Secretary, Social Welfare during the proceedings. It is further requested that the accused officer may kindly be informed to attend the Office of Secretary, Social Welfare, SE & WE Department, Benevolent Fund Building, Peshawar Cantt on 16-11-2021 at 11:00 AM please.

Yours faithfully

SECTION OFFICER (GENERAL).

Copy to:

- 1. PS to Secretary, SWD.

SECTION OFFICER (GENERAL).

Annex -



Government of Khyber Pakhtunkhwa
Zakat, Ushr, Social Welfare, Special Education &
Women Empowerment Department

No. SOG(SWD)/4-2/Gen/Inquires/15790
Dated: Peshawar the 12-11-2021

To
The Secretary to Govt of Khyber Pakhtunkhwa,
Higher Education Archives & Libraries Department,
Peshawar.

Subject: DISCIPLINARY PROCEEDING AGAINST MR. MUHAMMAD NISAR, ASSOCIATE PROFESSOR (BS-19) OF PHYSICS, GOVERNMENT AKHTAR NAWAZ KHAN (SHAHEED) DEGREE COLLEGE, KTS, HARIPUR.

Dear Sir,

In continuation of this Department letter of even No. dated 02-11-2021 on the subject noted above and to state that the personal hearing in respect of the above named officer which has been fixed for 16-11-2021 at 11:00 AM in the Office of Secretary, Social Welfare, is rescheduled at 02:00 PM instead of 11:00 AM due to another meetings in engagement

In view of the above, it is requested that concerned officers may kindly be directed to attend the subject personal hearing on the date, time and venue please.

Yours faithfully

96 SECTION OFFICER (GENERAL)

SECTION OFFICER (GENERAL)

Copy to:

- 1. PS to Secretary, SWD.

For Secretary

(60)

← Nisar Sb

AOA, Dear Sir

I have been directed to convey the order of Enquiry proceedings to you through your following contact no provided by higher office.

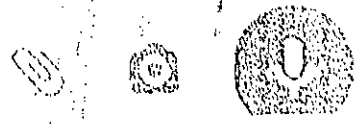
With reference to our telephonic conversation at your Cell No +923495777161;

wherein you informed that you are brother of Prof. Nisar. It is requested to please inform Nisar Sb to personally appear before the inquiry officer, Hon. Secretary Zakat, Ushr, Social Wellfare, Social Education and Women Empowerment Department in his Office on 16.11.2021 at 02.00 PM positively as this is the last chance for him to prove his innocence. We are sorry to bother you as we have been provided this number for his contact and we don't know about his whereabouts, as till date he did not comply to orders of Provincial Goyt, regarding his transfer to GDC Balakot, but as moral obligation we tried to contact him to appear before Inquiry Officer in his best interest.

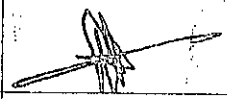
Handwritten signature

Regards,
 Head Clerk,
 GC Balakot

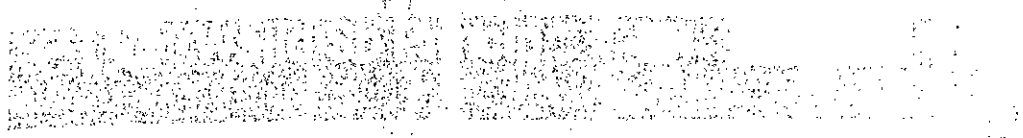
Message



ATTENDANCE SHEET FOR PERSONAL HEARING IN RESPECT OF
MR. MUHAMMAD NISAR, ASSOCIATE PROFESSOR (BS-19) OF PHYSICS,
GOVERNMENT AKHTAR NAWAZ KHAN (SHAHEED) DEGREE COLLEGE,
KTS, HARIPUR. Dated: 16/11/21.

S.No	Name	Designation	Department	Signature
1.	Khawaja M Saqib	Assisted Prof	DHE	
2.				
3.				
4.				
5.				

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APPROVED BY
Principal
Government Akhtar Nawaz Khan (Shaheed) Degree College
KTS, Haripur

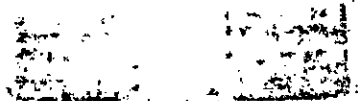
P. 2

P. 2 62

Attendance sheet for personal hearing of DISCIPLINARY PROCEEDING AGAINST MR. MUHAMMAD NISAR, ASSOCIATE PROFESSOR (BS-19) OF PHYSICS, GOVERNMENT AKHTAR NAWAZ KHAN (SHAHEED) DEGREE COLLEGE, KTS, HARIPUR HELD ON 14-12-2021 AT 11:00 AM IN THE OFFICE OF SECRETARY, SOCIAL WELFARE, SE, WE DEPARTMENT.

S.No	Name	Designation	Department	Signature
1.	Khewaja M. Syb	Asstt. Dir.	Director of HE	
2.				
3.				
4.				
5.				







Annex - P3



GOV
ZAKAT, USHR, S
EMPOWERMENT D

PAKHTUNKHWA
RE, SPECIAL EDU: & WOMEN
BENEVOLENT FUND BUILDING,
PESHAWAR CANTT.

No. SOG(SWD)4-2/Gen/Inquiries/ 16173-74
Dated Peshawar the, 23-11-2021.

To
The Secretary to Govt of Khyber Pakhtunkhwa,
Higher Education Archives & Libraries Department,
Peshawar.

Subject: DISCIPLINARY PROCEEDING AGAINST MR. MUHAMMAD NISAR, ASSOCIATE PROFESSOR (BS-19) OF PHYSICS, GOVERNMENT AKHTAR NAWAZ KHAN (SHAHEED) DEGREE COLLEGE, KTS, HARIPUR.

Dear Sir,

In continuation of this Department letter of even No. dated 02-11-2021 and 02-11-2021 on the subject noted above and to state that the competent authority i.e Chief Minister, Khyber Pakhtunkhwa has been pleased to authorize Mr. Zulfiqar Ali Shah, Secretary to Govt of Khyber Pakhtunkhwa, Social Welfare Department to conduct personal hearing on his behalf in respect of Mr. Muhammad Nisra. Associate Professor BS-19 of Physics, Govt Akhtar Nawaz Khan (Shaheed) Degree College, KTS, Haripur into the allegations reflected in the charge sheet and statement of allegations by the inquiry committee and subsequently show cause notice has been served upon the accused Officer but the Officer concerned did not attend the personal hearing on the fixed date.

The report of his nonattendance of personal hearing on the aforementioned date brought into the notice of Chief Secretary, Khyber Pakhtunkhwa to which it has been directed to make another attempt to personally hear the accused in order to determine as to his inability due to his ailment or otherwise.

In view of the above, it is requested that a Departmental Representative well conversant with the case may kindly be deputed to assist the Secretary, Social Welfare during the proceedings. It is further requested that the accused officer may kindly be informed to attend the Office of Secretary, Social Welfare, SE & WE Department, Benevolent Fund Building, Peshawar Cantt on 07-12-2021 at 11:00 AM please.

Signature

Yours faithfully

SECTION OFFICER (GENERAL)

SECTION OFFICER (GENERAL)

Copy to:

- 1. PS to Secretary, SWD.

Am
Annex - P₂



GOVT. OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDU. & V
EMPOWERMENT DEPARTMENT, BENEVOLENT FUND B
PESHAWAR CANTT.

No. SCG(SWD)4-2/Gen/Inquiries/
Dated Peshawar the, 07-12-2021

To
The Secretary to Govt of Khyber Pakhtunkhwa,
Higher Education Archives & Libraries Department,
Peshawar.

Subject: DISCIPLINARY PROCEEDING AGAINST MR. MUHAMMAD
NISAR, ASSOCIATE PROFESSOR (BS-19) OF PHYSICS,
GOVERNMENT AKHTAR NAWAZ KHAN (SHAHEED) DEGREE
COLLEGE, KTS, HARIPUR.

Dear Sir,

In continuation of this Department letter of even No. dated 02-11-2021, 02/11/2021 and 23-11-2021 on the subject noted above and to state that the competent authority i.e Chief Minister, Khyber Pakhtunkhwa has been pleased to authorize Mr. Zulfiqar Ali Shah, Secretary to Govt of Khyber Pakhtunkhwa, Social Welfare Department to conduct personal hearing on his behalf in respect of Mr. Muhammad Nisra, Associate Professor BS-19 of Physics, Govt Akhtar Nawaz Khan (Shaheed) Degree College, KTS, Haripur into the allegations reflected in the charge sheet and statement of allegations by the inquiry committee and subsequently show cause notice has been served upon the accused Officer but the Officer concerned did not attend the personal hearing on the fixed date.

It is reiterated that the report of his nonattendance of personal hearing on the aforementioned date brought into the notice of Chief Secretary, Khyber Pakhtunkhwa to which it has been directed to make another attempt to personally hear the accused in order to determine as to his inability due to his ailment or otherwise.

In view of the above, it is requested that a Departmental Representative well conversant with the case may kindly be deputed to assist the Secretary, Social Welfare during the proceedings. It is once again requested that the accused officer may kindly be informed again to attend the Office of Secretary, Social Welfare, SE & WE Department, Benevolent Fund Building, Peshawar Cantt on 14-12-2021 at 11:00 AM please.

Yours faithfully

SECTION OFFICER (GENERAL)

SECTION OFFICER (GENERAL)

Copy to:

- 1. PS to Secretary, SWD.