

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 756/2015

Date of Institution ... 08.07.2015

Date of Decision ... 11.02.2019

Adeel Yasin Ex-Lecturer in English, Government Post Graduate College,
Kohat R/O Garhi Behram Khan Tehsil and District, Kohat.

...(Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar
and others.

...(Respondents)

Present.

MR. MUHAMMAD RAMZAN KHAN,
Advocate.

... For appellant

MR. MUHAMMAD RIAZ PAINDAKHEL,
Asstt. Advocate General

... For respondents.

MR. HAMID FAROOQ DURRANI,
MR. AHMAD HASSAN,

... CHAIRMAN
... MEMBER

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-


1. The appellant is aggrieved of notification dated 25.02.2015, whereby, the major penalty of removal from service was imposed upon him. His departmental appeal dated 16.03.2015, against the order of removal, was not disposed of within the statutory period, hence the appeal in hand.

2. It is laid down in the memorandum of appeal that the appellant was appointed as Lecturer in English through Khyber Pakhtunkhwa Public Service Commission on 10.09.1998. In the year 1999, the Overseas Employment Corporation of Pakistan invited applications from teachers through the Government of Khyber Pakhtunkhwa Higher Education Department for serving at the Middle East Countries in the subject of English. In the year 2002, the appellant was allowed by the competent authority, alongwith other teachers, to join the post of English teacher in Saudi Arabia on deputation basis. His deputation period and leave was extended from time to time, lastly i.e till August, 2007. On completion of the said leave period the appellant put up his request for extension of the same for the next year till August, 2008 which was processed by the department. The appellant waited for the outcome of his request when, in the meanwhile on completion of one year period, he returned to the country. He was advised by the concerned departmental authority to submit fresh request for further one year period till August, 2009. He was under the impression that his requests would be finalized/sanctioned ex-post facto as per the past practice. During his stay at Saudi Arabia the appellant was required through a notice published in the press to rejoin his duty and upon contact his name was deleted from the list of notified teachers vide corrigendum notification dated 02.04.2009. The appellant, after return, submitted his arrival report on 21.07.2009 and was adjusted at Government Degree College Lachi, Kohat vide notification dated 03.08.2009. Subsequently, he applied for further leave as his family was still in Saudi Arabia where his wife was undergoing

medical treatment. The appellant ultimately returned to Pakistan along with his family and submitted arrival report to the respondent department on 12.05.2011, which was accepted and notified on 08.08.2011. After a period of more than two years, the appellant was issued a charge sheet and statement of allegations on 26.08.2013 alleging therein his unauthorized absence from duty. The said charge sheet was duly replied which was followed by departmental enquiry. Upon completion whereof the appellant was issued final show cause notice to which reply was also duly submitted. Upon completion of the proceedings the impugned notification dated 25.02.2015 was issued.

3. We have heard learned counsel for the appellant and learned Assistant Advocate General on behalf of the respondents and have also perused the available record with their assistance.

It was argued on behalf of the appellant that the issuance of corrigendum notification dated 02.04.2009, whereby, the name of appellant was deleted from the list of notified teachers requiring to rejoin the duty, impliedly condoned the time of absence between the year 2007 to 2009. For the said charge, therefore, he could not be proceeded against departmentally. It was also contended that the enquiry proceedings against the appellant were conducted with delay of more than two years due to which the appellant, after taking over charge of his duty in 2011, sent his request for permanent resignation to Saudi Arabia. Had the proceedings been initiated with promptitude the appellant could have resumed his services in Saudi Arabia, it was added. It was further contended that opportunity of cross-examination



was not extended to the appellant during the departmental proceedings which was fatal to the decision taken against him by the respondents. Reliance was placed on 2016-SCMR-108. Speaking about the harshness of penalty awarded to the appellant, learned counsel referred to 2018-SCMR-2077 and PLJ 2016-Tr.C (Service)190 and stated that the removal from service was not to be awarded to the appellant in the circumstances of the case.

Learned Asstt. Advocate General, on the other hand, argued that the appellant had admitted the charges against him through his reply to the charge sheet. Further, contents of the reply pertaining to acceptance of his leave requests, were conjectural and not supported by any documentary evidence. He referred to a judgment reported as 2008-PLC(C.S)1244 and contended that the deputation could not be claimed as a vested right while the lending department was always at liberty to terminate the period of deputation as and when necessitated.

4. The record is depictive of the fact that the claim of appellant regarding approval of deputation/leave w.e.f. 09.08.2007 to 20.07.2009 was not supported by any proper order/sanction in that respect. After the said period the appellant joined his duty for a very short period and then left again for Saudi Arabia without any order of deputation from the competent authority or sanctioned leave. Pertinently, the period of his deputation starting in the year 2002 was for a period of one year and was required to be extended on completion of each year. Once repatriated, the deputation terminated and the

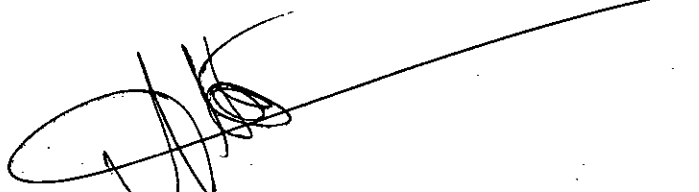
proceeding of appellant again to Saudi Arabia for gainful acts was an episode quite distinguishable from his service there on deputation.

5. During the course of proceedings the appellant submitted a detailed defence/reply to the charge sheet, wherein, it was candidly admitted by him that he was not granted extension in leave or deputation after 08.08.2007, however, he had submitted an application for extension and was expecting the requisite sanction. It was also laid in the said reply that he got renewed his job contract in Saudi Arabia upon the hope that he might be granted extraordinary leave, without pay, if he applied for the same. The said leave was never granted. It was also clearly mentioned in the reply that the appellant remained absent from duty from 01.10.2009 to 11.05.2011, however, submitted request for proper sanction. In the end, it was urged in the reply that the case of appellant may be treated sympathetically and on humanitarian grounds. An apology for his negligence was also tendered thereby.

6. In view of the admission of appellant and the contents of detailed enquiry report dated 14.10.2013 it did not lie in the mouth of appellant that he was not properly associated with the departmental proceedings. The arrival report submitted by him on 12.05.2011 stated that the appellant was resuming his duty after completing extraordinary leave w.e.f. October 1, 2009 till date (underlining is applied). On the contrary, there is no evidence on record which could suggest that such extra-ordinary was ever granted to the appellant. The arrival report was also in contradiction to the stance taken by the appellant through his reply to show cause notice. This maneuvering of appellant on flimsy grounds in his defence could not lend him a helping hand

and resultantly the impugned penalty was imposed upon him in accordance with law. The judgments cited at the bar regarding harshness of punishment are also not attractable to the case of appellant as, in the referred judgments, the circumstances of civil servant therein called for mitigation of penalty.

7. For what has been discussed above we find no merits in the appeal in hand which is accordingly dismissed hereby. The parties are left to bear their respective costs. File be consigned to the record room.





(AHMAD HASSAN)
MEMBER




(HAMID FAROOQ DURRANI)
CHAIRMAN


ANNOUNCED
11.02.2019

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	11.2.2019	<p><u>Present.</u></p> <p>Mr. Muhammad Ramzan Khan, .. For appellant Advocate</p> <p>Mr. Muhammad Riaz Painsa Khel, ... For respondents Asstt.AG..</p> <p>Vide our detailed judgment of today, we find no merits in the appeal in hand which is accordingly dismissed hereby. The Parties are left to bear their respective costs. File be consigned to the record room.</p> <p> Member</p> <p> Chairman</p> <p><u>ANNOUNCED</u> 11.2.2019</p>

17.12.2018


Learned counsel for the appellant and Mr. Riaz Ahmed
Paindakhel learned Assistant Advocate General for the respondents
present. learned counsel for the appellant requested for
adjournment. Adjourned. To come for arguments on 11.02.2019
before D.B

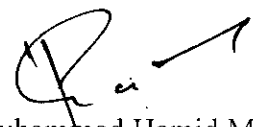

(Hussain Shah)
Member


(Muhammad Amin Kundi)
Member

16.07.2018


Clerk to counsel for the appellant present. Mr. Sardar Shoukat Hayat, Addl: AG for respondents present. Arguments could not be heard due to general strike of the Bar. Adjourned. To come up for arguments on 01.09.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

11.09.2018

Junior to counsel appellant and Mr. Riaz Paindakheil learned Assistant Advocate General present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjourned. To come up for arguments on 01.11.2018 before D.B.


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

01.11.2018


Due to retirement of Hon'able Chairman, the Tribunal is defunct. Therefore, the case is adjourned for the same on 17.12.2018 before D.B.


Reader

01.02.2018

Appellant in person and Mr. Ziaullah, Deputy District Attorney for the respondents present. Due to general strike of the Bar, learned counsel for the appellant is not available today hence, adjourned. To come up for arguments on 02.03.2018 before D.B.



(Muhammad Amin Khan Kundi)
Member (J)


(Muhammad Hamid Mughal)
Member (J)

02.03.2018

Clerk of the counsel for appellant present. Mr. Usman Ghani, District Attorney for the respondent present. Clerk of the counsel for appellant seeks adjournment as his senior counsel for the appellant is busy before august Supreme Court of Pakistan. Adjourned. To come up for arguments on 07.05.2018 before D.B.


(Gul Zeb Khan)
Member


(M. Hamid Mughal)
Member


07.05.2018

Due to retirement of the worthy Chairman, the Tribunal is incomplete, therefore the case is adjourned. To come up for same on 16.07.2018 before D.B.


Reader

21.06.2017

Agent to counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Agent to counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 13.09.2017 before D.B.


(Muhammad Amin Khan Kundi)
Member


(Gul Zeb Khan)
Member

13.09.2017

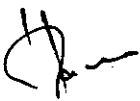
Counsel for the appellant present. Mr. Hameed-ur-Rehman, AD (litigation) alongwith Mr. Muhammad Jan, Deputy District Attorney for the respondents present. The learned Member Executive, Mr. Gul Zeb Khan is on leave therefore, arguments could not be heard. Adjourned. To come up for arguments on 23.11.2017 before D.B.


Chairman

23.11.2017

Junior counsel for the appellant present. Mr. Zia Ullah, Deputy District Attorney for the respondents present. Junior counsel for the appellant seeks adjournment due to non availability of his senior counsel. Adjourn. To come up for arguments on 01.02.2018 before D.B.



(Gul Zeb Khan)
Member


(Muhammad Hamid Mughal)
Member

02.08.2016


Counsel for the appellant and Addl. AG for respondents present. Rejoinder submitted copy handed to learned AG. Case to come up for arguments on 1.12.2016.


Member


Member

01.12.2016


Clerk to counsel for the appellant and Assistant AG for respondents present. The D.B is incomplete due to relinquishment of charge by Judicial Member. To come up for arguments on 10.3.17.


Member

10.03.2017

Clerk counsel for appellant Mr. Muhammad Jan, Government Pleader for respondents present. Clerk counsel for appellant requested for adjournment as counsel for appellant is busy before the Hon'ble Peshawar High Court. Adjournment granted. To come up for arguments on 21.06.2017 before D.B.


(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

30.11.2015

Appellant in person and Addl. A.G for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 28.3.2016 before S.B.


Chairman

28.03.2016

Counsel for the appellant and Mr. Muqarrab Khan, SO alongwith Assistant AG for respondents present. On the request of learned Assistant AG, one more last opportunity is granted to the respondents for submission of written reply. To come up for written reply/comments on 11.4.2016 before S.B.


Chairman

11.04.2016

Appellant in person and Mr. Muqarrab Khan, S.O alongwith Addl. AG for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 02.08.2016.


Chairman

14.07.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Lecturer in English (BPS-17) when went abroad to Saudi Arabia in the year 2002 in deputation basis for one year which was extend from time to time and the appellant finally came back from Saudi Arabia in May 2011 and was adjusted at Government Degree College Kohat on 8.8.2011. That the appellant applied for promotion where-after he was subjected to inquiry and vide impugned order dated 25.2.2015 he was removed from service on the allegations of absence from duty regarding which he preferred departmental appeal on 16.3.2015 which was not responded and hence the instant service appeal on 8.7.2015.

Appellant Deposited
Security & Process Fee ▶



That the inquiry was initiated after a prolonged period of 4 years and the same was not conducted in the prescribed manners as no opportunity of hearing was extended to the appellant nor he was associated with the same and, moreover, the appellant was punished for the acts beyond his control.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 22.9.2015 before S.B.


Chairman

22.09.2015



Appellant in person and Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 30.11.2015 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 756/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	08.07.2015	<p>The appeal of Mr. Adeel Yasin presented today by Mr. Khaled Rehman Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p> REGISTRAR</p>
2	10-7-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>14-7-2015</u>.</p> <p> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 756 /2015

Adeel Yasin..... Appellant

VERSUS

The Govt. of KPK and others.....Respondents

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A. Yasin
Appellant

Through

Khaled Rahman
KHALED RAHMAN

Advocate

Supreme Court of Pakistan

3-D, Haroon Mansion

Khyber Bazar, Peshawar

Off: Tel: 091-2592458

Cell # 0345-9337312

Dated: 8 /09/2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 756 /2015

**K.P. Provincial
Service Tribunal**

Diary No. 778

Dated 8-7-2015

Adeel Yasin

Ex-Lecturer in English,

Govt. Post Graduate College Kohat

R/o Garhi Behram Khan, Tehsil and District Kohat.....*Appellant*

Versus

1. **The Govt. of Khyber Pakhtunkhwa**

through Chief Secretary,
Civil Secretariat, Peshawar.

2. **The Secretary**

to Govt. of Khyber Pakhtunkhwa

Higher Education, Archives and Libraries

Department, Civil Secretariat, Peshawar.....*Respondents*

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 READ WITH RULE-19 OF THE GOVERNMENT OF KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY AND DISCIPLINE) RULES-2011 AGAINST THE IMPUGNED NOTIFICATION DATED 25.02.2015 WHEREBY THE MAJOR PENALTY OF REMOVAL FROM SERVICE WAS IMPOSED UPON THE APPELLANT AGAINST WHICH APPELLANT PREFERRED A DEPARTMENTAL APPEAL TO THE APPELLATE AUTHORITY ON 16.03.2015 BUT THE SAME WAS NOT DISPOSED OF WITHIN THE STATUTORY PERIOD.

PRAYER:

On acceptance of the instant appeal, the impugned Notification dated 25.02.2015 whereby major penalty of removal from service has been imposed upon the appellant, may graciously be brushed aside by reinstating the appellant in service with effect from the date of removal from service with all consequential back benefits.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That after successfully qualifying the M.A Degree in English from the Gomal University D.I.Khan, the appellant applied for the post of Lecturer in English to the Khyber Pakhtunkhwa Public Service Commission in response to advertisement for multiple vacancies including the Lecturer in English and after going through the selection process, appellant was selected and appointed as such on the recommendations of the Commission *ibid*, vide Notification dated 10.09.1998 (*Annex:-A*).
2. That in pursuance of the appointment order *ibid*, appellant submitted his arrival report at Govt. Degree College Parachinar and started performing his duties over there to the entire satisfaction of the high-ups. In 1999 the Overseas Employment Corporation of Pakistan invited the applications through the Govt. of Khyber Pakhtunkhwa Higher Education Department, from interested Teachers of the Higher Education Department, for the purpose of serving at the Middle East Countries in the subject of English. Accordingly the appellant also submitted his request for such employment.
3. That it was in the year 2002 that the competent authority was pleased to allow the appellant alongwith others to join the post of English Teacher in Saudi Arabia on deputation basis vide Notification dated 08.08.2002 (*Annex:-B*) with terms and conditions enumerated therein which *inter-alia* provided for *their period of deputation will be one year in the first instance*. In pursuance of which appellant was relieved from duties who then reported to the Overseas Employment Corporation of Pakistan and on the completion of all codal formalities, appellant took flight to Saudi Arabia and joined the service there in the Department of Schools and Literacy in the

Province of Aseer Abha, Saudi Arabia.

4. That on the completion of one year period of deputation, the appellant returned to Pakistan on a short annual leave of 02 months granted by the Government of Saudi Arabia for the purpose of processing the request for extension in deputation period. Accordingly the appellant, on returned to Pakistan, applied to the Department for such extension of one year which was duly processed by the Department and due to the shortage of leave period and delay in finalization of the leave request, appellant on assurance of the Department returned to Saudi Arabia, rejoined the duties and later on acceptance of the leave request vide Notification dated 06.12.2003 (*Annex:-C*), the same was sent to the appellant through Fax to Saudi Arabia by the Department.
5. That thereafter the extensions were granted from time to time in the same manner vide orders dated 29.10.2004, 15.10.2005 and 31.01.2007 (*Annex:-D*) till August 2007. On completion of each year, the appellant would submit his request as aforesaid for extension and on sanction of the same he would be informed accordingly.
6. That on completion of the leave period as mentioned above, appellant then put up his request for the extension for the next year till August 2008 which was accordingly processed as per the previous practice of the Department. Appellant was waiting for the outcome of the request from the Department however this time the process could not be finalized while in the meanwhile on completion of one year period, appellant and his two others colleagues returned to the country. On contact to the Department and after discussions with the concerned it was advised to the appellant and others to submit afresh request for further one year period till August 2009 which will be processed alongwith the previous request and both the applications would be finalized/sanctioned *ex post facto* as per the past practice, therefore, as per the previous routine, appellant and others submitted requests for

extensions for further one year and rejoined the duty at Saudi Arabia on full assurance of the Department. Both the applications/requests submitted in the Department with the Section Officer Farman Khan and Anwar Khan Stenographer are available in the record which may kindly be requisitioned from the Department for perusal of the Hon'ble Tribunal.

7. That while on duty at Saudi Arabia, the appellant was in constant contact with the Department regarding the processing of applications but meanwhile appellant was informed that a Notice (*Annex:-E*) to rejoin the duty has been published in the Press. The appellant telephonically contacted the Department for allowing some time to rejoin the duty and the competent authority was pleased to allow such extension and therefore, the name of appellant was deleted from the list of notified teachers vide Corrigendum Notification dated 02.04.2002 (*Annex:-F*). Appellant on return submitted his arrival report on 21.07.2009 to the Department and was adjusted at GDC Lachi, Kohat vide Notification dated 03.08.2009 (*Annex:-G*).
8. That the family of the appellant was still at Saudi Arabia while the children were admitted at School there and at the same time the wife of the appellant, who met a severe accident there at Saudi Arabia and was undergoing medical treatment in the Hospital at Saudi Arabia after a surgical operation of Lumber Disk being conducted at Karachi as would be evident from the hospital record (*Annex:-H*), therefore, the appellant submitted an application for 180 days leave but the with the advise of the concerned officials of Department to obtain leave certificate and apply for one year leave. Accordingly, appellant obtained Leave Certificate (*Annex:-I*) from the District Accounts Officer Kohat and resubmitted another request for one year leave till 30.09.2010 vide application dated 10.02.2010 (*Annex:-J*). Appellant had already left for Saudi Arabia, the application was although

processed but yet the same was not finalized under the rules.

9. That in the month of November, 2010 appellant requested to the authorities of the King Khalid University Abha, Saudi Arabia for relieving the appellant to the resume his duties at his parent Department but they refused to relieve the appellant until May, 2011 as according to them they had no substitute to teach till that period. The appellant was victim of circumstances because his passport as well as the passports of his family members were lying with the University authorities as per the Rules of the Saudi Government, therefore, appellant submitted a further request for leave till May, 2011 vide application dated 20.09.2010 (*Annex:-K*) but the same was also kept pending without any positive response.
10. That in May, 2011 appellant submitted his resignation with King Khalid University, Saudi Arabia retrievable/reversible within 100 days and returned to Pakistan alongwith his family and submitted arrival report (*Annex:-L*) to the parent Department on 12.05.2011 which was accepted and vide Notification dated 08.08.2011 (*Annex:-M*) appellant was adjusted at Govt. Post Graduate College, Kohat w.e.f. 12.05.2011 but was informed that departmental action against him was underway, therefore, appellant requested for an early and expeditious disposal of the departmental action within minimum possible time so that in the event of any adverse action against him, he could conveniently rejoin his duty/service at Saudi Arabia for continuing livelihood of his family.
11. That after inordinate delay of almost 02 years and 03 months of the arrival of the appellant, he was issued a Charge Sheet and Statement of Allegations (*Annex:-N*) on 26.08.2013 alleging unauthorized absence. As the charges were baseless, unfounded, against the facts and circumstances, therefore, appellant denied the same by submitting a detailed reply (*Annex:-O*) thereto which may be taken as an integral

part of this appeal. The allegations alongwith replies are reproduced herein below in tabular form:

	Charge	Reply to Charge
i.	That while working at Govt. Post Graduate College, Parachinar, Kurram Agency, you proceeded abroad to Suadi Arabia on deputation basis w.e.f. 08.08.2002. You were granted extension from time to time upto 08.08.2007. You did not request for extension after 08.08.2007 nor any extension was granted to you after 08.08.2007.	It is stated that I availed the extensions in deputation till 2007. The charge says that I did not request for any extension after 2007. Respected Sir, I did request for that particular extension along with the payment of Annual Pension Contribution (receipt attached) The office said it would be processed accordingly. At the same time, I regularly followed it up via telephonic contact. The Department always reiterated that it was under process. Consequently I was unable to apply for the next year as the previous year's case was yet to be decided. Then in March 2009, a Newspaper Notice was issued directing me to join the Department. I requested the authorities to allow me time till July 2009, as my contract was to end in July. The Department graciously allowed me that time (document attached). I repatriated on 21.07.2009
ii.	That you were repatriated to your parent Department on 21.07.2009 while you claimed that your deputation will expire in April, 2009 by concealing the facts from the Department.	As far as concealing of fact is concerned, I would state that I never ever concealed any fact from my parent Department. I requested the Department to grant me time till July, 2009 which was accepted.
iii.	That you were not granted any extension after 08.08.2007.	This says that I was not granted extension after 08.08.2007, but I submitted an application for extension. I was assured of its approval accordingly. All the previous years' extensions were approved and notified in the same manner. It made me expect a positive response. Moreover, when the Notice demanded my arrival, I wasted no time and obeyed the order of the authorities.
iv.	That you remained without approval of deputation w.e.f. 09.08.2007 to 20.07.2009.	I would humbly reiterate that I submitted my request for extension and hope highly that it follow the example of previous four years but unfortunately it was not to be. And again to say, when it was advertised in the paper, I requested the concerned authorities and my name was withdrawn from that list. I immediately came back and reported to the office. I was posted at GDC Lachi where I joined accordingly.
v.	That you reported for duty on 21.07.2009 and were adjusted at GDC Lachi, Kohat.	It is submitted that I reported to the Department on 21.07.2009. I was posted as GDC Lachi and joined there w.e.f. 21.07.2009
vi.	That you applied for extraordinary leave (without pay) for 180 days w.e.f. 01.10.2009 which was not considered and you were informed accordingly through your principal. But before that you left the College and gone to Saudi Arabia without approval of your leave.	Before my joining the Department I had renewed my job contract in Saudi Arabia. I hope that I might be granted extra ordinary leave (without pay) if I apply. In this regard I applied for one year extraordinary leave without instead of 180 days because I realized it could not help me as the contract

		period in KSA was one year as it is evident from the perusal of the Para-viii of the charge. But I was never contacted by any authority regarding non-approval of the request for the said leave.
vii.	The Director, Higher Education, Khyber Pakhtunkhwa sent a registered letter No.5192 dated 25.01.2010 on your home address wherein you were directed to report for duty immediately failing which disciplinary action will be initiated against you.	Respected Sir, the Director Education might have sent a registered letter to my home address but such a letter was never received by any member of my family. I have come to know a bout this letter only through this charge sheet. I made another thorough search from my family members but to no avail. They are very certain not to have received any such letter.
viii.	Instead of resuming your duties, you applied for extraordinary leave (without pay) for even greater period of one year w.e.f. 01.10.2009 to 30.09.2010 and did not resume your duty without any decision of the competent authority.	That not only did I request for extraordinary leave (without pay) for one year but also I sent a letter for the time I sent a request for the time after 30.09.2010. Here I was bound to join the parent office but very unfortunate thing happened. I was sure to be releived at this point but my Saudi Authorities did not relent. They made me bound to complete the academic year as they had no one to replace me. Moreover, my wife's back surgery and postoperative treatment was also serious problem. I sent an application to the Directorate requesting for time till May, 2011. Here I found myself very helpless and frustrated. I apologize for this inconvenience and expect from your good-self a sympathetic treatment.

12. That an Inquiry Officer was appointed to conduct an inquiry within a period of 30 days under Rule-11(7) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules-2011, who after conducting an irregular, illegal inquiry submitted a report (*Annex:-P*) after the stipulated period comprising of 51 pages full of repetition, unnecessary explanation, based on irrelevant considerations having no concern with the case in hand.
13. That thereafter a Final Show Cause Notice (*Annex:-Q*) was served upon the appellant by the competent authority which too was replied (*Annex:-R*) by the appellant thereby denying the charges and findings of the Inquiry Officer. The reply to the show cause notice may also be considered as part and parcel of the instant appeal.

14. That vide impugned Notification dated 25.02.2015 (*Annex:-S*) the appellant was imposed upon the major penalty of removal from service with immediate effect against which he preferred a departmental appeal (*Annex:-T*) to the appellate authority on 16.03.2015 but the same was not disposed of within the statutory period, hence this service appeal inter-alia on the following grounds:-

Grounds:

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned Notification, which is unjust, unfair and hence not sustainable in the eye of law.
- B. That the charges leveled against the appellant are frivolous, ill-founded, against the facts and therefore, the appellant denied the same in the very inception. Moreover, the same were not substantiated through any tangible and cogent evidence in accordance with the law.
- C. That the Inquiry Officer has conducted an irregular inquiry which has no basis under the law. Neither any statements have been recorded in the presence of the appellant nor any documentary evidence has been collected in his presence nor appellant has been provided an opportunity of cross-examining the witnesses. Thus the inquiry being illegal, unlawful thus cannot be the basis for imposition of any penalty muchless major.
- D. That it has become a settled legal principle enunciated by the superior fora that where a major penalty is to be imposed then the regular inquiry cannot be dispensed with. Since no regular inquiry has been conducted in the case, therefore, the impugned Notification is

arbitrary, unlawful and therefore, not maintainable in the eye of law.

- E. That it is also a settled law that where the controversy is factual in nature then in that eventuality, the only way out is to hold a regular inquiry by fully associating the delinquent Officer with all stages of the inquiry proceedings and providing him full opportunity of defence at each stage. As no regular inquiry was conducted which was sine qua none, therefore, the penalty imposed is unwarranted in law.
- F. That appellant has not been provided a meaningful opportunity of personal hearing by the competent authority. He was highly relished when he was summoned for personal hearing by the competent authority that he would explain his position before the competent authority but no such opportunity was provided rather on seeing the appellant he was bitterly humiliated and was not even allowed to open up his mouth to explain his position. Thus the appellant was condemned unheard which is against the principle of natural justice as even the devil was not condemned unheard.
- G. That the appellant timely applied for the leave as per the previous routine but the applications were not processed/finalized within due course of time. It was due to the lethargic attitude on the part of the Department which kept the leave applications pending/delayed inordinately and even till date the applications for leave for the years 2007-2008 and 2008-2009 have not been decided/finalized which speaks by itself that how the important issue was dealt with non-seriously. All the applications for leave were accepted long after their submissions, in this respect if an attentive look is cast on the dates of the extension Notifications, none was issued during the vacation (two months) rather they took some 4 to 5 months in finalization. Since the delay was occurred due to the departmental omission for timely decision, therefore, for that lapse the appellant cannot be made to

suffer.

- H. That appellant after submitting his retrievable resignation in Saudi Arabia returned to Pakistan and submitted his arrival report on 12.05.2011 and was adjusted at Govt. Degree College, Kohat. As no departmental action was initiated against the appellant, therefore, appellant was under the legitimate expectancy that no action would be taken, hence he informed for confirmation of his resignation already submitted. It was after a long delay of 2 years and 3 months when Charge Sheet and Statement of allegations was issued to the appellant on 26.08.2013 and the impugned Notification was then issued on 25.02.2015 after yet another one and half years with the result that the departmental action took more than nearly 04 years. Had the departmental action not been delayed like the delay caused in processing leave applications, the appellant would have been able to re-join his duty in Saudi Arabia and continue to earn livelihood for his children but due to the impugned Notification he was deprived dually from service abroad as well as rendered jobless at home. Moreover, the appellant became overage during the 04 years for foreign as well as home service.
- I. That the appellant had had great opportunities for his career progression at Saudi Arabia with an increased salary of 4 to 5 times more than the salary at Pakistan and a bright future for his children but with all those benefits appellant preferred service with low salary at his own country and returned to Pakistan by shifting his family but regrettably he was deprived from both the services which has resulted in serious miscarriage of justice.
- J. That appellant, after his rejoining the duty, was entitled for promotion on the basis of his seniority but was deferred twice, therefore, he submitted an application on 01.11.2012 (*Annex:-U*) for his promotion to the next higher grade and it was only after submission of this

application that the Department to the contrary initiated the disciplinary proceedings against the appellant which finally culminated into issuance of the impugned order. Thus the action taken against the appellant was based upon malafide intention and such is not tenable under the law.

- K. That in peculiar facts and circumstances of the case as explained above, the extreme penalty of removal from service imposed on the appellant is highly excessive, unreasonable and does not commensurate with the guilt of the appellant. Appellant is the supporter of a large family and the subject service was the sole source of livelihood of such large family. By passing the impugned harsh penalty not only the appellant but the entire family of the appellant has been landed in dire crises.
- L. That appellant would like to offer some other grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Through

A. Asim
Appellant
Khaled Rahman
Khaled Rahman,
Advocate,
Supreme Court of Pakistan

Dated: 08/07/2015

Dated Peshawar, the 10-9-1998

NOTIFICATION

ANNEX A 12

No. SO(C)II-1/96-VI: Consequent upon the recommendations of the NWFP Public Service Commission and consent of the NWFP Finance Department through circular letter No. BI/5-8/98-99/F.D, dated 31-8-1998, the Governor, N.W.F.P., is pleased to appoint the following candidates as Officiating Lecturers (BPS-17) in various subjects at the Government Colleges mentioned against each from the date of their taking over charge subject to the conditions mentioned below:-

S.No.	Name of Candidate with father's name	Place of postings	Remarks.
1.	Mr. Zafarullah Khan S/O Fakhar-uz-Zaman, Saeed Abad No. 1, Dak Road, Near Masjid Mahmood, Peshawar City.	Offtg; Lecturer in Pak; Studies, Govt; College, Bakhshali (Mardan).	Against the vacant post.
2.	Mr. Hasham Khan S/O Nowshad Khan, Village Tindodak, Teh; Adanama, Dir.	Offtg; Lecturer in Pak; Studies, Govt; College, Gudabad (Dir).	-do-
3.	Mr. Ahmad Saad S/O Haji Abdul Wahab, Yaqoobi Banda, P.O. Jehangiri, Banda, Tehsil and District Karak.	Offtg; Lecturer in Pak; Studies, Govt; College, Sahir Abad.	-do-
4.	Mr. Isratullah Khan S/O Ghulam Habib Khan, Moh; Lakki Michan, Khal, Teh; and Distt; Lakki Marwat.	Offtg; Lecturer in Pak; Studies, Govt; College, Sadda.	-do-
5.	Mr. Habib-Ullah Khan, S/O Sir Anjam, Village Panoochi Kala, P.O. Azim Kala, Teh; & Distt; Bannu.	Offtg; Lecturer in Physics, Government College, Bannu.	-do-
6.	Mr. Shah Munir S/O Sher Anwar Khan, Village & P.O. Dak Ismaili Khel, Teh; & Distt; Nowshera.	Offtg; Lecturer in Physics, Government College, Pabbi.	-do-
7.	Mr. Rias Ahmad Khan S/O Ghiyas Ahmad Khan, Moh; Ahundin Bala, Vill; & P.O.; Akora Khattak (Nowshera).	Offtg; Lecturer in Physics, Government College, Chitral.	-do-
8.	Mr. Ghani Muhammad S/O Habib-ur-Rahman, Vill; Jarai (Lakshur Rahsan Kafa y) P.O., Sakhsot, Teh; Agency.	Offtg; Lecturer in Physics, Government College, Khar (Bajaur).	-do-
9.	Mr. Saadat Munir S/O Saadat Ali Khan, Moh; Farooq Abad, Opposite Kacha Lawy, P.O. & Teh; Hangu, Distt; Hangu (Kohat).	Offtg; Lecturer in Physics, Government College, Parachinar.	-do-
10.	Mr. Iftikhar Ali S/O Sherin Khan, Vill; & P.O. Kalu Khan, Moh; Parra, Teh; & Distt; Swabi.	Offtg; Lecturer in Physics, Government College, Bakhshali (Mardan).	-do-

(Contd;.....P/2)

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|-----|---|--|----------------------------|
| 11. | Mr. Alam Zeb S/O
Habib-ur-Rehman, Moh;
Mosa Kael, Vill; & P.O.
Baja, Teh; & Distt; Swabi. | Offtg; Lecturer in
Zoology, Govt;
College, Thana. | Against the
vacant post |
| 12. | Mr. Khalid Khan S/O
Payo Noor, Vill; Chora,
P.O. Shagai, Tehsil
Jamrud, Distt; Peshawar. | Offtg; Lecturer in
Zoology, Government
College, Landi Kotal. | -do- |
| 13. | Mr. Liaqat Ali Khan S/O
Nadar Khan, Vill; Bunyadi,
P.O. Nahaqi, Tehsil &
District Peshawar. | Offtg; Lecturer in
Zoology, Government
College, Tangi. | -do- |
| 14. | Mr. Muhammad Saeed Ullah,
S/O Mohammad Ali Khan,
Vill; Shahderai, Tehsil
Kabal, Swat. | Offtg; Lecturer in
Zoology, Government
College, Chitral. | -do- |
| 15. | Mr. Muhammad Atta Ullah
Shah S/O Muhammad Sadiq
Shah, Vill; Hassan Khel
Jafar, P.O. Taji Kela,
Bannu. | Offtg; Lecturer in
Zoology, Government
College, Wana (S.W.A). | -do- |
| 16. | Mr. Javed Akbar S/O
Gohar Zada, Vill; & P.O.
Ghunda Samachaki, Karak. | Offtg; Lecturer in
Zoology, Government
College, Daggar. | -do- |
| 17. | Mr. Amir Muhammad S/O
Noor Mohammad, Village
Shah Baig, P.O. Iorahim
Khan, Teh; & Distt; Mardan. | Offtg; Lecturer in
Statistics, Govt;
College, Sherwan. | -do- |
| 18. | Mr. Muhammad Raza Shah,
S/O Muhammad Nadir Shah,
Vill; Rahima, P.O. Sardheri,
Teh; & Distt; Charsadda. | Offtg; Lecturer in
Statistics, Govt;
College, Mansehra. | -do- |
| 19. | Mr. Umar Rehman S/O
Khair-ur-Rehman, Village
Ato, Teh; Lal Qilla (Madan)
District Dir. | Offtg; Lecturer in
Statistics, Govt;
College, Chitral. | -do- |
| 20. | Mr. Shahid Akhtar S/O
Basnir-ud-Din, H.No.C/1887,
Moh; Farooq Shaheed, Islamia
Street, D.I. Khan City. | Offtg; Lecturer in
Statistics, Govt;
College, Booni. | -do- |
| 21. | Mr. Ikram Ullah Khan S/O
Saad Ullah Khan, Vill; &
P.O. Mela Shahab Khel,
Teh; & Distt; Lakki Marwat. | Offtg; Lecturer in
Statistics, Govt;
College, Landi Kotal. | -do- |
| 22. | Mr. Saadul Haq S/O
Masihullah, Moh; Lughmani,
Near Middle School, Baffa,
P.O. Baffa, Distt; Mansehra. | Offtg; Lecturer in
Statistics, G.P.G.C.
Mansehra. | -do- |
| 23. | Mr. Muhammad Ayub Khan,
S/O Shahzada Khan, C/O
Shahzada Wood Merchant,
P.O. Shabqadar, Michini
Road, Teh; & Distt; Charsadda. | Offtg; Lecturer in
Statistics, Govt;
College, Oghi (Mansehra). | -do- |
| 24. | Mr. Muhammad Ishaq S/O
Ziarat Gul, Vill; & P.O.
Prang Yaseen Zai, Moh;
Tel yan, Teh; & Distt; Charsadda. | Offtg; Lecturer in
Maths; Government
College, Parachinar. | -do- |
| 25. | Mr. Marjan-ud-Din S/O
Ilam-ud-Din, Vill; Prang
Hassan Khail, Teh; and
District Charsadda. | Offtg; Lecturer in
Maths; Government
College, Khanpur. | -do- |

26. Mr. Iqbal Hussain S/O Nasrullah Khan, Vill; & P.O. Dehri Allahdand, Moh; Baro, Teh; Batkhala, Malakand Agency. Offtg; Lecturer in Maths; Government College, Dir. Against the vacant post. 13
27. Mr. Habib Ullah Khan S/O Abdul Majeed, H.No. 765/C, Moh; Gopa Khel, Bannu City. Offtg; Lecturer in Maths; Government College, Sadda. -do-
28. Mr. Shahbaz Faisal S/O Alam Gul, Vill; Bazi Khel, P.O. D.A. Khel, F.R. Kohat. Offtg; Lecturer in Urdu, Govt; College, B.D. Shah (Karak). -do-
29. Mr. Javed-ur-Rehman S/O Ubaid-ur-Rehman, Moh; Ghulam Khel, Vill; & P.O. Kotha, Teh; & Distt; Swabi. Offtg; Lecturer in Urdu, Govt; College, Lahor (Swabi). -do-
30. Mr. Khalid Sohail S/O Abdullah Jan, 52 Zaryab Colony, Faqirabad No. 2, Peshawar. Offtg; Lecturer in Urdu, Govt; College, Khar (Bajaur). -do-
31. Mr. Fazlullah S/O Sherin Sahibzada, Vill; Renankot, P.O. Dir, Teh; & Distt; Dir (Upper). Offtg; Lecturer in Urdu, Govt; College, Dir. -do-
32. Syed Muhammad Ali Shan S/O Syed Moin-ud-Din Shah, Sedan Abad, University Road, Dera Ismail Khan. Offtg; Lecturer in Urdu, Govt; College, Timergara. -do-
33. Mr. Nasir Azam Sahibzada S/O Aboul Halim Sahibzada T-28, Sahibzada House, Faqirabad, Peshawar. Offtg; Lecturer in Urdu, Govt; College, Tangi. -do-
34. Mr. Shakeel Ahmad S/O Wazir Ahmad, Vill; & P.O. Sheikhul Band, Tehsil & District Abbottabad. Offtg; Lecturer in Urdu, Govt; College, Oghi (Manshera). -do-
35. Mr. Mir Alam Saïd S/O Ajab Khan, R/O Kalpani RWS Jandi Bazaar, Teh; Takht Bhai, Distt; Mardan. Offtg; Lecturer in Urdu, Govt; College, Matta. -do-
36. Mr. Muhammad Tariq Jan, S/O Fazal Muhammad, House No. 54, Moh; Khaksar, Mardan. Offtg; Lecturer in Urdu, Govt; College, Bakhshali (Mardan). -do-
37. Mr. Inayat Ali Shah S/O Mehr Hussain Shah, Moh; Khader Khel, Tehsil and P.O. Kulachi (D.I. Khan). Offtg; Lecturer in Urdu, Govt; College, Badher (Peshawar). -do-
38. Mr. Aurangzeb S/O Abdul Salam, Vill; & P.O. Mangah, Teh; & Distt; Mardan. Offtg; Lecturer in Urdu, Govt; College, Booni. -do-
39. Mr. Tariq Mahmood S/O Muhammad Maqsood Qureshi, Saidan Abad, University Road, D.I. Khan. Offtg; Lecturer in Urdu, Govt; College, Bannu. -do-
40. Mr. Abid Iqbal S/O Muhammad Iqbal, House No. 5255, P.O. Ayub Medical College, Mansehra Road, Abbottabad. Offtg; Lecturer in Chemistry, Govt; College, Sherwan. -do-
41. Mr. Sultan Shah S/O Barkat Shah, Village Fazal Abad, Teh; Lahor, District Swabi. Offtg; Lecturer in Chemistry, Govt; College, Ekkaghund. -do-

42.	Mr. Muhammad Ismail Khan, S/O Awal Khan, Village Bazid Khel, Moh; Zamindar, P.O. Badaber (Peshawar).	Offtg; Lecturer in Chemistry, Govt; College, Toru (Mardan).	Against the vacant post.
43.	Mr. Inayat Ullah S/O Hanif Ullah, Village Inzargai, P.O. Katlang, Teh; & Distt; Mardan.	Offtg; Lecturer in Chemistry, Govt; College, Daggar.	-do-
44.	Mr. Faiz Talab S/O Zoor Talab Khan, Village, & P.O. Palai, Tehsil & District Malakand.	Offtg; Lecturer in Chemistry, Govt; College, Dir.	-do-
45.	Mr. Munir Ullah Khan, S/O Latif Ullah Khan, Vill; & P.O. Sero Bada Khel, Teh; & Distt; Bannu.	Offtg; Lecturer in Chemistry, Govt; College, Hangu.	-do-
46.	Mr. Zahid Hussain S/O Habib Gul, Vill; & P.O. Tarakai, Teh; / Distt; Swabi.	Offtg; Lecturer in Chemistry, Govt; College, Chitral.	-do-
47.	Mr. Kausar Iqbal S/O Fida Muhammad Lodhi, Moh; Upper Lohar Banda, Teh; & Distt; Mansehra.	Offtg; Lecturer in Chemistry, Govt; College, Lissan Nawab.	-do-
48.	Mr. Muhammad Ayaz Khan, S/O Muhammad Amin, Garni Rang Khan, Hangu Road, Kohat.	Offtg; Lecturer in Chemistry, Govt; College, Parachinar.	-do-
49.	Syed Mujtaba Shah S/O Arzal Swan, Master Colony, Charsadda Road, P.O. Military Farm, Mardan.	Offtg; Lecturer in Chemistry, Govt; College, Swabi.	-do-
50.	Mr. Shaukat Shuja S/O Abdur Rehman Baitab, Moh; Mitta Khel, Nowshera Kalan, Distt; Nowshera.	Offtg; Lecturer in Chemistry, Govt; College, Sadda.	-do-
51.	Mr. Muhammad Almer Afridi S/O Yar Bad Shah, Vill; Khawaja Tangi, P.O. Sheraki, F.R. Kohat.	Offtg; Lecturer in Pashto, Government College, Sadda.	-do-
52.	Mr. Muhammad Arif S/O Haji Aziz Muhammad, Moh; Maroof Khel, P.O. and Distt; Charsadda.	Offtg; Lecturer in Pashto, Govt; Post- Graduate College, Mardan.	-do-
53.	Mr. Badshah-i-Room S/O Abdur Ranim, Village Amendara, Moh; Shagai, Malakand Agency.	Offtg; Lecturer in Pashto, Government College, Chakessar.	-do-
54.	Mr. Wazir Peyao S/O Lal Peyao, Vill; Lakki Ghandaki, P.O., Teh; & District Karak.	Offtg; Lecturer in Pashto, Government College, Thall.	-do-
55.	Mr. Muhammad Shafee S/O Shalowzan, Vill; & P.O. Badaber Khel, Distt; Karak.	Offtg; Lecturer in Pashto, Government College, Pataarpur (D. I. Khan).	-do-
56.	Mr. Taj Muhammad S/O Jalandar Khan, Village, P.O. & Teh; Latha, S.W.A.	Offtg; Lecturer in Pashto, Government College, Miranshah.	-do-
57.	Mr. Said Umar S/O Muhammad Umar, Mohallah Umar Khail, Teh; and Distt; Charsadda.	Offtg; Lecturer in pashto, Government College, Swabi.	-do-

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| 58. | Mr. Hunar Khan Hamdard,
S/O Masnal Khan, Vill; &
P.O. Khesngi Payan, Teh;
& District Nowshera. | Ofttg; Lecturer in
Pashto, Government
College, Bannu. | Against the
vacant post. |
| 59. | Mr. Jehan Alam S/O
Shahzada, Vill; Shah Alam
Baba, P.O. Tazagram, Teh;
Adenzai, Distt; Dir(Lower). | Ofttg; Lecturer in
Pashto, Government
College, Lahore. (Swabi). | 14 -do- |
| 60. | Mr. Altaf Ullah S/O
Munim Ullah, Vill; & P.O.
Belian, Teh; & Via Oghi,
District Mansehra (Hazara). | Ofttg; Lecturer in
Pashto, Government
College, Mansehra. | -do- |
| 61. | Mr. Muhammad Tamir Abid,
S/O Hafiz Habibur Rahman,
Moh; Malakzai, Vill; and
P.O. Turangzai, Teh; and
District Charsadda. | Ofttg; Lecturer in
Islamiyat, Govt;
College, Gulabad. | -do- |
| 62. | Mr. Fazla Subhan S/O
Muhabbat Khan, Vill; Talai,
Th; Sharzo, P.O. Ragnagan,
Bajaur Agency. | Ofttg; Lecturer in
Islamiyat, Govt;
College, B.D. Shah
(Karak). | -do- |
| 63. | Mr. Inayatullah S/O Hidayat
Ullah, Vill; & P.O. Babuzai,
Teh; & Distt; Mardan. | Ofttg; Lecturer in
Islamiyat, Govt;
College, Parachinar. | -do- |
| 64. | Mr. Muhammad Fayyaz S/O
Muhammad Zahid, Village
Shahpur, Teh; Alpuri,
Distt; Saanglah (Swat). | Ofttg; Lecturer in
Islamiyat, Govt;
College, Matta. | -do- |
| 65. | Mr. Abdul Qadeer S/O
Jan Muhammad, Village &
P.O. Abba Khel, Distt;
Lakki Marwat. | Ofttg; Lecturer in
Islamiyat, Govt;
College, Sadda. | -do- |
| 66. | Mr. Allah Dad Khan S/O
Abid Ullah Khan,
House No. 48/A, Inside
Railway Gate, Bannu City. | Ofttg; Lecturer in
Islamiyat, Govt;
College, Karak. | -do- |
| 67. | Mr. Abdus Sabuh S/O
Molvi Qalam Bin, Village
Hafeez Bandi, P.O. Sher
Kund, Distt; Mansehra. | Ofttg; Lecturer in
Islamiyat, Govt;
College, Parachinar. | -do- |
| 68. | Mr. Raz Muhammad S/O
Wali Zar Khan, Village
Painda Mir, P.O. Domel
C/O Renmatullah, Chairman
Photo State Service, Teh;
and Distt; Bannu. | Ofttg; Lecturer in
Islamiyat, Govt;
College, Hangu. | -do- |
| 69. | Mr. Nafees Akmal S/O
Mehboob Gul, Mohallah
Shahi Abad, Akora Khattak,
Nowshera. | Ofttg; Lecturer in
Islamiyat, Govt;
College, Pabbi. | -do- |
| 70. | Mr. Aziz-ur-Rehman S/O
Molvi Hidayat-ur-Rehman,
Matta Mughal Khel, Teh;
& Distt; Charsadda. | Ofttg; Lecturer in
Islamiyat, Govt;
College, Bakhshali
(Mardan). | -do- |
| 71. | Mr. Muhammad Tahir S/O
Naeem Shah, Village
Shah Alam Baka, P.O. Taza
Gram, Tehsil Adenzai,
District Dir (Lower). | Ofttg; Lecturer in
Islamiyat, Govt;
College, Chakessar. | -do- |

(Contd;P/6)

Attested

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| 72. | Mr. Intiaz Ahmad S/O
Wazir Khan, Mohallah
Uryakhel, P.O. Marghuz,
Teh; & Distt; Swabi. | Offtg; Lecturer in
English, Government
College, Nowsnera. | Against the
vacant post. |
| 73. | Mr. Murad Ali Khan S/O
Renhat Ghani Khan, Vill;
P.O., Teh; & Distt; Chitral. | Offtg; Lecturer in
English, Government
College, Chitral. | -do- |
| 74. | Mr. Adeel Yasin S/O
Muhammad Yasin, Garhi
Behram Khan, Kohat City. | Offtg; Lecturer in
English, Government
College, Parachinar. | -do- |
| 75. | Mr. Ishtiaq Ahmad S/O
Muhammad Aslam, Vill; &
P.O. Labar Kot, Teh; &
District. Mansehra. | Offtg; Lecturer in
English, Government
College, Lanor (Swabi). | -do- |
| 76. | Mr. Muhammad Younis S/O
Fazal-ur-Rehman, Vill;
Bathag Bala, P.O.
Shehalia, (Mansehra). | Offtg; Lecturer in
English, Government
College, Oghi (Mansehra). | -do- |
| 77. | Mr. Motasim Billah Shah
S/O Muslim Shah, C/O
Taj Ali Shopkeeper,
Vill; & P.O. Bagi, Teh;
and District Swabi. | Offtg; Lecturer in
English, Government
College, Khar (Bajaur) | -do- |
| 78. | Mr. Fazal Haman S/O
Abdul Hanan, Vill; & P.O.
Kalpani, Railway Station
Jhandi Bazaar, Tensil
Takht Bhai, Distt; Mardan. | Offtg; Lecturer in
English, Government
College, Lanor (Swabi). | -do- |
| 79. | Mr. Fazal Karim S/O
Qalandar, Moh; Sherzada
Khan, Mingora (Swat). | Offtg; Lecturer in
English, Government
College, Agra. | -do- |
| 80. | Mr. Tasawar Hussain S/O
Muhammad Rashid, Noble
Town, Near Eid Gah,
Dera Ismail Khan. | Offtg; Lecturer in
English, Government
College, Tank. | -do- |
| 81. | Mr. Ishtiaq Ahmad S/O
Muhammad Hussain, Vill; &
P.O. Balakot, Mohallah
(Pori) Upper, Tehsil
Balakot, Distt; Mansehra. | Offtg; Lecturer in
English, Government
College, Haripur. | -do- |
| 82. | Mr. Shahin Shah S/O
Suleman Shah, Village &
P.O. Sheikh Killi, Teh;
and District Charsadda. | Offtg; Lecturer in
English, Government
College, Ekkaghund. | -do- |
| 83. | Mr. Sadullah Khan S/O
Qadir Khan, Vill; & P.O.
Nari, Tensil & District
Charsadda. | Offtg; Lecturer in
English, Government
College, Khar (Bajaur). | -do- |
| 84. | Mr. Zahid Mehmood S/O
Mehmood Ali, Mughal House,
House No. 565-D/4, Street-29
Phase-1, Hayatabad, Peshawar. | Offtg; Lecturer in
English, Government
College, Sadda. | -do- |
| 85. | Mr. Siraj Muhammad S/O
Eid Muhammad, Village
Muldeh, Teh; Chitral,
District Chitral. | Offtg; Lecturer in
English, Government
College, Alpuri. | -do- |
| 86. | Hafiz Zubair Ahmad S/O
Hafiz Mohammad Yousaf,
Moh; Hafiz Abad, Neher
Road, Par Hoti, Mardan. | Offtg; Lecturer in
English, Government
College, Thall. | -do- |

87. Mr. Saadullah Jan S/O Sher Baz Khan, Village Banoochi Killa, P.O. Azim Killa, Tehsil and District, Bannu. Offtg; Lecturer in English, Government College, Wana. Against the vacant post. 15
88. Mr. Mukhtiar Muhammad S/O Miskeen Muhammad, Vill; & P.O. Marghuz, Teh; & District Swabi. Offtg; Lecturer in English, Government College, Kotha (Swabi). -do-

2- Consequent upon the above appointments, the following adjustments/transfers are hereby ordered in the public interest with immediate effect, in relaxation of ban :-

<u>S.No.</u>	<u>Name of Officer.</u>	<u>Transfer to.</u>	<u>Remarks.</u>
1.	Mr. Shamim Hassan Khan, Associate Prof; of Chem; G.C. Parachinar.	Govt; College, Rakki Marwat.	Against the vacant post.
2.	Mr. Javed Hussain, Asstt; Prof; of Zoology, G.C. No. 1, D.I. Khan. (under transfer to G.C., Wana).	Govt; College No. 1, D.I. Khan.	-do-
3.	Mr. Javed Iqbal, Asstt; Prof; of Zoology, G.C., Chitral.	Govt; College, Timergara.	-do-
4.	Mr. Roshan Ali, Asstt; Prof; of Maths; G.P.G.C., Abbottabad.	Govt; College, Bannu.	-do-
5.	Mr. Bakht Naudar, Asstt; Prof; of Pashto, G.C. Dir (Under transfer to G.C. Matta).	Govt; College, Dir.	-do-
6.	Mr. Amirullah, Asstt; Prof; of Islamiyat, G.C., Hangu.	Govt; College, Bannu.	-do-
7.	Mr. Ghulam Qasim, Associate Prof; of Arabic, G.C., Karak.	Govt; College No. 1, D.I. Khan.	-do-
8.	Qazi Jamil, Asstt; Prof; of Islamiyat, G.C., Sadda.	Govt; College, Karak.	-do-
9.	Mr. Fazli Ghani, Asstt; Prof; of Islamiyat, G.C., Gulebad.	Govt; College, Timergara.	-do-
10.	Mr. Muhammad Rauf, Asstt; Prof; of Urdu, G.C., Karak (Under transfer to G.C., B. D. Shah).	Govt; College, Karak.	-do-
11.	Mr. Muhammad Naeem, Asstt; Prof; of English, G.C. Lanor (Swabi).	Govt; College, Nowshera.	-do-
12.	Mr. Abdul Qayyum, Lecturer in Urdu, G.C., D.A. Khel.	Govt; College, Bannu.	-do-
13.	Mr. Dilawar Khan, Lecturer in Physics, G.C., Parachinar.	Govt; College, Khar (Bajaur).	-do-
14.	Mr. Imtiazur Rahman, Lecturer in Physics, G.C., Lanor (Swabi).	Govt; College, Ekkagnund.	-do-

14.	Mr. Raees Ahmad Jan, Lecturer in Physics, G.C., Parachinar.	Govt; College, Lahor (Swabi).	Against the vacant post.
15.	Mr. Kamal Khan, Lecturer in Chemistry, G.C., Sadda.	Govt; College, Bannu.	-do-
16.	Mr. Mashtaq Ali Shah, Lecturer in Chemistry, G.C., Ekkagnund.	Govt; Superior Science College, Peshawar.	-do-
17.	Mr. Muhammad Bashir, Lecturer in Urdu, G.C., Badaber.	Govt; College, Nowshera.	-do-
18.	Mr. Karim Khan, Lecturer in Maths; G.C. Parachinar.	Govt; College, Lahor (Swabi).	-do-
19.	Mr. Fazli Wahid, Lecturer in Physics, G.C., Khar (Bajaur).	Govt; College, Gulabad.	-do-
20.	Mr. Mussaraf Gul, Lecturer in Physics, G.C., Pabbi.	Govt; College, Hangu.	-do-
21.	Mr. Said Amin, Lecturer in English; G.C., Parachinar.	Govt; College, Kohat.	-do-
22.	Mr. Muhammad Ayub Siddiqi, Lecturer in English, G.C., Chitral.	Govt; College, Nowshera.	-do-
23.	Mr. Sakhi Sarwar, Lecturer in English, G.C., Thal.	Govt; College, P.A. Khel.	-do-
24.	Mr. Taj Muhammad, Lecturer in English, G.C., Khar (Bajaur).	Govt; College, Timergara.	-do-
25.	Pir Zanid Shah, Lecturer in English, G.C. Bannu (Under transfer to G.C., Sadda).	Govt; Postgraduate College, Bannu.	-do-
26.	Mr. Jehan Sher, Lecturer in English, G.C. Alpuri (Under transfer to G.C. Timergara).	Govt; Jendanzeb College, Saidu Sharif, Swat.	-do-
27.	Mr. Saifur Rehman, Lecturer in Islamiyat, G.C. Parachinar.	Govt; College, Agra.	-do-
28.	Sayedul Abrar, Lecturer in Islamiyat, G.C., Parachinar.	Govt; College, Khairabad (Mardan).	-do-
29.	Mir Shahbaz Khan, Lecturer in Stats; G.C., Chitral.	Govt; College, Mansehra.	-do-
30.	Mr. Fazli Rehman, Lecturer in Statistics, G.C., Booni.	Govt; College, Chakessar.	-do-
31.	Mr. Muhammad Ayub, Lecturer in History, G.C., Hangu.	Govt; College, Pabbi.	-do-
32.	Mr. Shamsul Ibrar, Lecturer in English, G.C., Kotna (Swabi).	Govt; College, Gharsadda.	-do-

- | | | | |
|-----|--|--|-----------------------------|
| 33. | Mr. Mumtaz Khan,
Lecturer in Statistics,
G.C. Dargai (Under transfer
to G.C. Sherwan). | Govt; College,
Charsadda. | Against the
vacant post. |
| 34. | Mr. Sharifullah,
Lecturer in Islamiyat,
G.C., Chagnassar. | Govt; Jehanzeb College,
Saidi Sharif, Swat. | -so- |
| 35. | S. Jenan Shah,
Asstt; Prof; of Pashto,
G.C., Lanor (Swabi). | Govt; College,
Swabi. | -do- |
| 36. | Mr. Akhtar Pervez,
Asstt; Prof; of Economics,
G.C. Mansera (Under trans-
fer to G.C. Lissan Nawab). | Govt; College,
Khairabad (Mardan). | -do- |
| 37. | Mr. Mir Zaman,
Asstt; Prof; of English,
G.C. Khairabad (Mardan). | Govt; College,
Toru (Mardan). | -do- |
| 38. | Mr. Muhammad Sabir,
Lecturer in Physics,
G.C. Khairabad (Mardan). | Govt; College,
Swabi. | -do- |
| 39. | Mr. Muhammad Niaz,
Lecturer in Physics,
G.C., Swabi. | Govt; College,
Khairabad (Mardan). | -do- |
| 40. | Mr. Nawazish Ali,
Lecturer in English,
G.C., Haripur. | Govt; College,
Havelian. | -do- |
| 41. | Mr. Ibrahim Khan, Lect; in
Geog; G.C. Sadda. | G.C., B.D. Sadda. | -do- |

TERMS & CONDITIONS :-

1. The appointments of the candidates mentioned at para-1 above is subject to the condition that they are the domicile of NWFP.
2. Their inter-se-seniority will be fixed according to the order of merit assigned by the NWFP Public Service Commission.
3. Their services will be liable to termination on one month's notice from either side. In case of resignation without notice their one month's pay/allowances, if any, shall be forfeited to Government.
4. No TA/DA etc; is allowed on their first appointment as Offtg; Lecturers.
5. The candidates should join their post within 30 days of the issue of this notification. The Director of Education (Colleges) NWFP, Peshawar should furnish a certificate to the effect that the candidates have joined the post or otherwise after one month of the issue of this notification.
6. Charge reports in duplicate should be submitted to all concerned.
7. They will be governed by such rules and regulation as may be issued from time to time by the Government for the category of Government servants to which they belong.
8. A declaration of assets should be obtained from them if not already done and kept on record.
9. Their appointments will be subject to the satisfactory report on the verification of their character and antecedents.

SECRETARY TO GOVT: OF NWFP,
EDUCATION DEPT: PESHAWAR.

(Contd;.....P/10)

Endst:No.SO(C)II-1/96-VI, Dated Pesh; the 10-9-1998.

Copy for information & necessary action to :-

1. The Director of Education (Colleges) NWFP, Peshawar w/r to his letter No.5786 dated 3-9-1998 received on 7-9-1998. Original Medical Certificates of the aforementioned eighty eight(88) candidates, are enclosed herewith.
2. The Accountant General, NWFP, Peshawar.
3. The District Accounts Officers concerned.
4. The Agency Accounts Officers concerned.
5. The Principals concerned.
6. The Director Recruitment, NWFP Public Service Commission, Peshawar w/r to his letters No. 27248 dt; 24-12-98, No. 738 dt; 10-1-98, No. 740 dt; 10-1-98, No. 739 dt; 10-1-1998, No. 6636 dt; 20-2-1998, No. 7667 dt; 9-3-98, No. 8326 dt, 25-3-98, No. 885 dt; 13-4-98, No. 1580 dt; 12-5-98 and No. 11203 dt; 16-5-1998.
7. The Budget-Officer-I, Government of NWFP, Finance Department w/r to circular letter No. BL/5-8/98-99/F.D. dt; 31-8-1998.
8. The manager, Govt; Printing Press, NWFP, Peshawar.
9. The Candidates/officers concerned.

(FARKHAND IQ BAL)
SECTION OFFICER (COLLEGES)

F. Ghafoor/
Steno;

GOVERNOR'S SECRETARIAT PATA
EDUCATION WING NWFP.

Dated Peshawar the 8-8-2002.

17

NOTIFICATION.

NO.S.O(PATA)/Edu:/1-9/2002. The Competent Authority is pleased to allow the following officers of the Schools/College cadre working in PATA NWFP to join the post of English Teacher in Saudi Arabia on deputation basis :-

<u>S.NO.</u>	<u>Name of officers.</u>	<u>Applied for.</u>
1.	Mr.Zahid Mehmood, Lecturer in English Govt: College Darra Adam Khel FR-Kohat.	Lecturer in English
2.)	Mr.Adel Yaseen, Lecturer in English Govt: College Parachinar Kurram Agency.	Lecturer in English
3.	Mr.Sultan Muhammad, Subject Specialist GHSS Ghallanai Kohmand Agency.	Lecturer in English

The following terms and conditions are allowed to the above named officers :-

1. They will receive pay as offered by the Govt: of Saudi Arabia.
2. Their period of deputation will be one year in the first instance.
3. They will pay leave salary and pension contribution to the Provincial Govt: as determined by the Audit office.
4. They will be entitled to promotion etc in the college cadre and School cadre as usual in accordance with Govt: rules .
5. They will retain their seniority in college/School cadre.
6. They will continue to contribution to GP Fund and Group insurance & deposit the same in the Govt: Treasury.

The Provincial Govt: has no objection to the proceeding abroad S.Arabia in respect of the above named officers.

SECRETARY TO GOVERNOR,
N.W.F.P.

Cont: page-next.

Serial record / depn:
cafernia B

Governor's SECRETARIAT FATA
EDUCATION WING

Dated Peshawar the 6-12-2003

18

NOTIFICATION

ANNEX

NO.S.O(FATA)/Edu/1-9/2002(vol-III). In continuation to this office notification of even number dated 8-8-2002 the Competent Authority is pleased to extend the deputation in respect of the following officers for a further period of one year on the terms and conditions already notified :-

1. Mr. Zahid Mehmood, Lecturer in English Govt: College Darra Adam Khel FR-Kohat.
- ✓ 2. Mr. Adeel Yasin, Lecturer in English Govt: College Parachinar Kurram Agency.
3. Mr. Sultan Muhammad, Subject Splt: Govt: Higher Secondary School Ghallanai Mohmand Agency.

SECRETARY TO GOVERNOR

N.W.F.P.

Endst.NO. & date as above.

Copy to :-

1. Ministry of Education Government of Saudi Arabia.
2. Ministry of Health Government of Saudi Arabia.
3. Managing Director Overseas employment Corporation Islamabad.
4. Section officer (Reg-IV) Govt: of NWFP Estab: and Admn: Department w/r to his letters NO.SOR-IV/EX-AD/13-4/96 dated 20-10-2003 and 13-11-2003 (copy of T&C) en
5. District Accounts officer Kohat.
6. Agency Accounts officer Kurram Agency.
7. Agency Accounts officer Mohmand Agency.
8. P.S to Secretary to Governor Peshawar.
9. P.S to Secretary Higher Education Department Peshawar.
10. Director of Education FATA NWFP Peshawar.
11. Director Higher Education NWFP Peshawar.
12. Officers concerned.

10/12/03

10/12/03

FARMAN KHAN

(FARMAN KHAN)
SECTION OFFICER (FATA EDU)

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GOVERNOR'S SECRETARIAT FATA
EDUCATION WING
Dated Peshawar the 29-10-2004

19

NOTIFICATION

NO.S.O(FATA)/Edu:/1-9/2002.

In continuation to this Department Notification of even number dated 8-8-2002 and 6-12-2003 the Competent Authority is pleased to extend the deputation of the following officers for a further period of one year on the terms and conditions already notified:

1. Mr. Zahid Mehmood, Lecturer in English Govt: College Darra Adam Khel, FR-Kohat.
2. Mr. Adil Yasin, Lecturer in English Govt. College Parachinar Kurram Agency.

SECRETARY TO GOVERNOR

Endst. No. & Date as Above

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19

GOVERNOR'S SECRETARIAT FATA
EDUCATION WING

Answered

Dated Peshawar the 29-10-2004

NOTIFICATION

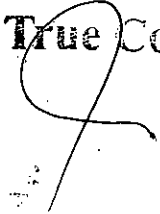
GO. S. OF FATA/Eds/1-9/2002 In continuation to this Department notifications of even number dated 2-8-2002 and 5-12-2003 The Competent Authority is pleased to extend the deputation of the following officers for a further period of one year on the terms and conditions already notified:-

1. Mr. Zahid Mehmood, Lecturer in English Govt. College Darra Adam Khel FR-Kohat.
- ✓ 2. Mr. Adil Yasin, Lecturer in English Govt. College Parachinar Kurram Agency.

SECRETARY TO GOVERNOR

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[Faint handwritten notes and stamps]

MR. ADEEL YASIN

[Handwritten signature]

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20

GOVERNOR'S SECRETARIAT FATA
EDUCATION WING

Dated Peshawar the 15-10-2005

ORDER

NO.S.O(FATA)/Edu:/1-9/2002(V-III).

In continuation to this Department Notification of even number dated 8-8-2002, 6-12-2003 and 29.10.2004 the Competent Authority is pleased to extend the deputation abroad for a further period of one year i.e. 2005-2006 in respect of the following officers on the terms and conditions already notified:

1. Mr. Zahid Mehmood, Lecturer in English Govt: College Darra Adam Khel, FR-Kohat.
2. Mr. Adeel Yasin, Lecturer in English Govt. College Parachinar Kurram Agency.

SECRETARY TO GOVERNOR

Endst. No. & Date as Above

Copy to:-

1. Ministry of Education Govt: of Saudi Arabia.
2. Ministry of Health Govt. of Saudi Arabia.
3. Managing Director, Overseas Employees Corporation, Islamabad
4. SO(Reg-I) Govt: of NWFP, Establishment Department w/r to his letter No.SOR-I(E&AD)3-72/75(Vol-III) dated 3-9-2005.
5. Agency Accounts Officer, Kurram Agency.
6. District Accounts Officer Kohat.
7. Director of Education FATA w/r to his letter No.15468/A-1 dated 20-8-2005
8. Director Higher Education Department, Peshawar
9. Officers concerned.

Sd/-

(FARMAN KHAN)
SECTION OFFICER (FATA EDU)

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20

GOVERNOR'S CONFIDENTIAL DATA
EDUCATION WING

Dated Feshaw: the 15-10-2005

CONF.

NO.S.G(PATA)/Edu:/1-9/2002(V-III). In continuation to this Department notification of even number dated 6-3-2002, 6-12-2004 and 20-10-2004, the competent Authority has pleased to extend the computation of service for a further period of one year i.e. 2005-2006 in respect of the following officers on the terms conditions already notified:-

- 1. Mr. Iqbal Mahmood, Lecturer in English Govt. College Dera G. Khel FR-Kohat.
- ✓ 2. Mr. Iqbal Yasin, Lecturer in English Govt. College Ferozpur in Kurram Agency.

SECRETARY F.A.T.A.

Indst. NO. 3 officers above.

Copy to :-

- 1. Ministry of Education Govt. of Saudi Arabia.
- 2. Ministry of Health Govt. of Saudi Arabia.
- 3. Managing Director, Overseas Employment Corporation, Islamabad.
- 4. SO (Reg-I) Govt. of NWFP, Establishment Department, w/r to his letter NO. SO-1 (ESAB) 72/75 (Vol-III) dated 3-9-2005.
- 5. Agency Accounts Officer, Kurram Agency.
- 6. District Accounts Officer Kohat.
- 7. Director of Education PATA w/r to his letter NO. 15466/A-1/Dis. dated 20-8-2005.
- 8. Director Higher Education Department, Peshawar.
- 9. Officers concerned.

ADCC
J.S.

(Circular Stamp)

15/10/05
(BIRMAN KHAN)
SECTION OFFICER (PATA)

CIVIL SECRETARIAT FATA
COORDINATION WING

21 237

Dated Peshawar the 31-1-2007

ORDER.

NO.S.O(FATA)/EDU:/1-9/2002(V-III). In continuation to this Department order of even number dated 8-8-2002, 6-12-2003, 29-10-2004 and 15-10-2005 the Competent Authority is pleased to extend the deputation abroad for a further period of one year i.e 2006-07 in respect of the following officers on the terms and conditions already notified:-

1. Mr.Zahid Mehmood, Lecturer in English Govt:
College Darra Adam Khel FR-Kohat.
2. Mr.Adeel Yaseen, Lecturer in English Govt: College
Parachinar Kurram Agency.

SECRETARY ADMN & COORD

Endst.No. & date as above.

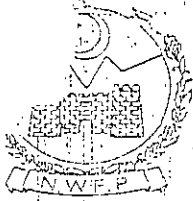
Copy to:-

1. Ministry of Education Govt: of Saudi Arabia.
2. Ministry of Health Govt: of Saudi Arabia.
3. Managing Director Overseas Employment Corporation Islamabad.
4. SO(R-IV) Govt: of NWFP Establishment Department w/r to his letter
No.SOR-IV/E&AD/13-4//2006 dated 17-11-06.
5. Agency Accounts officer Kurram Agency.
6. District Accounts officer Kohat.
7. Director of Education FATA w/r to his letter No.12858/A-I/Lien cases
dated 29-8-2006.
8. Director Higher Education Department Peshawar.
9. Officer concerned.

Farman Khan 31/1/07
(FARMAN KHAN)
SECTION OFFICER (FATA EDU)

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act: 2007



GOVERNMENT OF NWFP
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT

Dated Peshawar the March 02nd, 2009.

22

ANNEX E

NOTIFICATION

NO.SO(COLLEGES)X-4/2008. The Competent Authority has been pleased to order the repatriation of the following officers of college cadre with immediate effect.

S. #	Name of Officer / present posting	Name of officer where deputed / on deputation	Remarks
1.	Syed Awais Shah, lecturer in English, Govt. Post Graduate College Mardan.	Saudi Arabia since 03.08.2002	Report to DHE
2.	Mr. Zahid Mehmood, lecturer in English, Govt. Degree College Dara Adam Khel (FR Kohat).	Saudi Arabia since 08.08.2002	Report to DHE
3.	Mr. Adeel Yasin, lecturer in English, Govt. Post Graduate College Parachinar (Kurram Agency).	Saudi Arabia since 08.08.2002	Report to DHE
4.	Mr. Tariq Ahmad, lecturer in English, Govt. Post Graduate College Nowshera.	Saudi Arabia since 03.08.2002	Report to DHE
5.	Dr. Arshad Pervez, lecturer in Biology, Govt. Degree College Balakot (Mansehra).	COMSATS	Report to DHE
6.	Mr. Muhammad Nafees, Associate Professor of Political Science, Govt. Post Graduate College Charsadda.	Ministry of Culture and Sports, Islamabad since 04.11.2004.	Report to DHE
7.	Mr. Noor Ullah Wazir, Associate Professor of Political Science, Govt. Degree College Ghazni Khel (Lakki).	Deputy Secretary at KANA Federal Govt. Islamabad.	Report to DHE
8.	Mr. Muhammad Naeem, Assistant Professor of Geography, Govt. Post Graduate College Charsadda.	DDO Finance, District Govt. Charsadda since 15.11.2004.	Report to DHE

They are directed to report for duty within 30-days, otherwise disciplinary proceeding under RSO 2000 will be initiated against them.

SECRETARY TO GOVT. OF NWFP
HIGHER EDUCATION DEPARTMENT

ENDST. NO. & DATE EVEN.

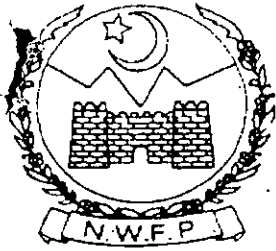
Copy forwarded to the:-

1. Director Higher Education NWFP Peshawar, w / r to his letter No. 24735/CA-II/Estab. Branch dated 02.12.2008.
2. P.S to Secretary to Govt. of NWFP, Establishment & Administration Department, NWFP, Peshawar.
3. P.S to Secretary, Higher Education Department.
4. Officers concerned.

(WAJED ALI)
SECTION OFFICER (COLLEGES)

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repatriation order / no response to applications



Page 51 of 52
**GOVERNMENT OF NWFP
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT**

Dated Peshawar the April 2nd, 2009.

23

CORRIGENDUM.

ANNEX F

NO.SO(COLLEGES)X-4/2008. In partial modification to this Department Notification of even number dated 02.03.2009 the name of officer at S. No. 03, Mr. Adeel Yasin, lecturer in English, and S. No. 06, Mr. Muhammad Nafees, Associate Professor of Political Science may be treated as withdrawn.

SECRETARY TO GOVT. OF NWFP
HIGHER EDUCATION DEPARTMENT

ENDST: NO. & DATE EVEN.

Copy forwarded to the: -

1. Director Higher Education NWFP Peshawar.
2. P.S to Secretary to Govt. of NWFP, Establishment & Administration Department, NWFP, Peshawar.
3. P.S to Secretary, Higher Education Department.
4. Officers concerned.

(WAJID ALI)

SECTION OFFICER (COLLEGES)

Attention Please

Muloom Misza

[Handwritten signature]

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on telephonic request, extension granted
became one year completed in June

GOVERNMENT OF NWFP
HIGHER EDUCATION, ARCHIVES
AND LIBRARIES DEPARTMENT

Dated Peshawar the 03-08-2009

24

ANNEX G

NOTIFICATION

NO.SO(C) X-4/08. Upon his repatriation from Kingdom of Saudi Arabia the Competent Authority has been pleased to order the adjustment of Mr. Adil Yasin, Lecture in English (PBS-17) at Govt: Degree College, Lachi (Kohat) w.e.f. 21-7-2009

SECRETARY TO GOVT. OF NWFP
HIGHER EDUCATION DEPARTMENT

Endst: No. & Date Even.

Copy forwarded to the:-

1. Director Higher Education, NWFP, Peshawar w/r to his letter No. 13921 dated 1-3-2009 .
2. Director Education FATA, Warsak Road, NWFP, Peshawar.
3. District Accounts Officer, Kohat.
4. Principa Govt: Degree College, Lachi (Kohat).
5. Officer concerned.

(WAJID ALI)
Section Officer (Colleges)

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WE CARE
FEBRUARY 02 2010

Date : _____

تقرير طبي
MEDICAL REPORT

التاريخ: 02-02-2010

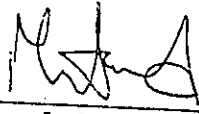
Patient's name : ABDULHANNAN, NABILA KOKAB
Pin Number : AS-00266219-1
Age : 28 Yrs. Sex : F Nationality : PAKISTANI
Diagnosis : Failed back Syndrome
ICD. 9 : 724.5

25

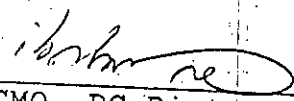
ANNEX H

The above mentioned patient came to our clinic with chronic back pain developed after lumbar disc surgery, 5th month back.

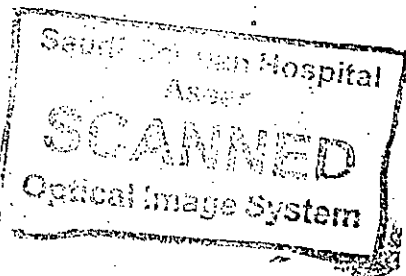
Patient is in need for medical treatment and rehabilitation and follow-up.



Dr. Mohammed Awad
Neurosurgery Consultant
NS24/CN



CMO, ACOMO, PC Dir, ER Dr.



طريق الملك فهد - ص.ب: 2553 خميس مشيط - تليفون : 2355000 (07) : فاكس : 2354500 (07)
King Fahad Road - Khamis Mushayt - P.O. Box : 2553 - Tel. (07) 2355000 (100 Lines) - Fax. (07) 2354500
P.O. Box: 2553, Khamis Mushayt - Website: WWW.SGHGROUP.COM - Email : info.asr@sghgroup.net

Form No. M.5123

True Copy

H



DR. ZIAUDDIN HOSPITAL

Patient's Name: Mrs. Nabeela

Age: 28 Years

Ref. Consultant: Dr. I. H Bhatti

Date: 08-09-2009

I.D No.: 2268/3545

26

MRI LUMBO-SACRAL SPINE (Screening)

This is a limited protocol study done on special request by the referring physician. Only gross pathology can be evaluated. For minor details, full protocol study is recommended.

T2 sagittal and axial images were acquired through lumbar spine.

Clinical Information: Backache radiating to legs

Findings:

No evidence of fracture or dislocation is seen in lumbo-sacral region.

Mild circumferential posterior disc bulge is present at the level of L4-L5 causing mild to moderate narrowing of both lateral neural recesses.

Broad base central and right median posterior disc protrusion is noted at the level of L5-S1 causing moderate compression over thecal sac, moderate to severe narrowing of right lateral neural recess and mild to moderate narrowing of left lateral neural recess.

A fairly defined low intensity lesion is present in the right half of body of L5 vertebra without any associated cortical break? This was also demonstrated on previous MRI scan done 11-05-2009. No significant change in its imaging character is observed.

No significant central posterior disc extrusion or protrusion noted at any level.

Distal spinal cord returns normal signal.

The conus terminates normally at L1.

Pre and paravertebral soft tissues appear normal.

There is suggestion of presence of cystic cum solid lesion possibly arising from right adnexa? should be further evaluated.

Impression:

Broad base central and right median posterior disc protrusion is noted at the level of L5-S1 causing moderate compression over thecal sac, moderate to severe narrowing of right lateral neural recess and mild to moderate narrowing of left lateral neural recess.

Mild circumferential posterior disc bulge is present at the level of L4-L5 causing mild to moderate narrowing of both lateral neural recesses.

A fairly defined low intensity lesion is present in the right half of body of L5 vertebra without any associated cortical break? This was also demonstrated on previous MRI scan done 11-05-2009. No significant change in its imaging character is observed.

There is suggestion of presence of cystic cum solid lesion possibly arising from right adnexa? should be further evaluated.

Dr. M. Kashif Shazlec
M.C.P.S, F.C.P.S
Assistant Professor

HORTLEIGH ZIAMABAD CAMPUS
Block B, North Nazimabad, Karachi-74700
Tel: 6640237-9 Fax: (9221) 6640670

CLIFTON CAMPUS
4/1, Shahrab-e-Ghalib, Block 6, Clifton, Karachi-75600
Tel: 5862937-39 Fax: (9221) 5837212

NAZIMABAD CAMPUS
Plot No. 5, Block 3, Nazimabad, Karachi-11
Tel: 6611873, 6689912

KEAMARI CAMPUS
Plot No. 33, Behind KPT House
Tel: 2851881-5, Fax: 2851881-5

Attested to be
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CASE SUMMARY

27

Name: Mrs. Nabeela Kaukab W/O Mr. Muhammad Adceel

IPD No: 1054006

This 28 year-old lady was admitted under the private care of Prof. I.H.Bhatti on 11th September 2009 and was discharged on 16th September 2009 following interlaminar excision of L5/S1 prolapsed intervertebral disc.

She presented with history of lower backache radiating to left leg. Clinical examination revealed pain on straight leg raising on left side.

MRI lumbosacral spine done on 8th September 2009 was reported to show broad based central and right median posterior disc protrusion at the level of L5/S1 causing moderate compression over thecal sac, moderate to severe narrowing of right lateral neural recess and mild moderate narrowing of left lateral neural recess.

She underwent surgery on 13th September 2009. Through a midline bilateral muscle stripping approach, a moderate sized hard protruded disc at L5/S1 was excised piecemeal leaving the left S1 root pulsating. Her postoperative recovery was uneventful.

She was discharged on treatment (DC card attached) with advice to attend follow-up clinic after one week.

Tamseela Ahmed

Dr. Tamseela Ahmed
16th September 2009

Attachment to be
T
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No

953

Dated Lachi the

7/17/2010

From

The Principal,
Government Degree College Lachi,
(Kohat)

To

The Director, Higher Education,
P.W.F.P. Peshawar.

Subject:

EXTRA ORDINARY LEAVE ONE YEAR WITH EFFECT FROM 10/200
TO 9/2010.

Memo:

Enclosed please find herewith leave application along
with leave admissibility report in respect of Adeel Yasin Lecturer
in English of this College for further necessary action.

PRINCIPAL,
GOVERNMENT DEGREE COLLEGE LACHI,
(KOHAT)

28

AMSAI

Alloster

29

OSISI KALFI

APPLICATION FOR LEAVE

Notes:—Items 1 to 6 must be filled in by all applicants. Item 7 by Government servants of R.P.S. and above.

- 1. Name of applicant.
- 2. Leave Rules applicable.
- 3. Post held.
- 4. Department or office.
- 5. Pay.
- 6. House Rent Allowance, Dearness Allowance or other allowances in the present post.
- 7. (a) Nature of leave applied for.
(b) Period of leave in days.
(c) Date of commencement.
- 8. Particular Rule/Rules under which leave is admissible.
- 9. (a) Date of return from last leave.
(b) Nature of leave.
(c) Period of leave in days.

Adel Yaseen
 Lecturer in English
 Gorti degree College, Wash
 1981
 7605-
 01-10-2009 to 30-9-2010
 01-10-2009 to 13-10-2009
 1981

Extra ordinary leave

Dated

- 10. Remarks and recommendation of the Controlling Officer.
- 11. Certified that leave applied for is admissible under Rule ... and no ... are fulfilled.

NIL on 10-10-2009

Signature of applicant
 Signature of Controlling Officer
 Principal
 Gorti degree College
 Washi Kc

Dated. Certified that the officer has completed 365 days of continuous service so, he is eligible for 365 days of extra ordinary leave under the Revised Leave Rules 1981.
 Attested to be
 T. Jay

Signature
 Designation
 Signature
 Designation
 Accounts Officer
 Kothari

- 13. Orders of the sanctioning authority certifying that on the expiry of leave the applicant is likely to be in the same post carrying the compensatory allowances being drawn by him.

The Director Higher Education,
Government of N.W.F.P.
Peshawer.

Dated: 02-02-2010.

30

ANNEX J

Subject: Request for Extraordinary Leave One Year (Oct-2009 to Sept-2010)

Respected Sir,

With reference to your letter no-5193/95 dated 25-01-2010, it is stated that I, Adeel Yasin, lect. in Eng., GDC-Lachi, have been facing severe domestic problems. It is stated that my wife got her back broken in an accident here in Saudia last year. She underwent major back surgery in Karachi (medical reports attached). The long post surgery treatment was available only in Karachi which mace me unable to be on my job in Kohat. On the other hand, my wife could get all the post sugery treatment here in Saudia. So I requested your office for leave and continued my stay in Saudia to get that treatment here. My wife is constantly under observation in a local hospital (medical reports attached) and she has to continue physio therapy appointments regularly. In the light of all the above compulsions, I request your goodself to grant me the above mentioned leave on family medical & humanitarian grounds !

I shall be grateful for this act of kindness !

A Yasin

Adeel Yasin,
Lect. in English,
GDC-Lachi, Kohat.

1014
10-2-2010

Attested to be
True Copy

J

The Director Higher Education,
Government of N.W.F.P,
Peshawer.

Dated: 20-09-2010

31

ANNEX K

Subject: Request for extension in extraordinary Leave till May 2011.

Sir,

I, Adeel Yasin, Lect. In English, G.D.C. Lachi Kohat, have been on extraordinary leave since Oct-1 2009 and am due to report your office but I am bound by contract of my job here in Saudi Arabia till May 2011. I request your good self to kindly grant me the remaining period. I shall be very thankful to you !

Truly Yours,
Adeel Yasin,
Lect. in English,
G.D.C. Lachi
Kohat.

Attested to be
True Copy

K

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3

32

Answer h

The Director Higher Education,
Government of Khyber Pakhtunkhwa,
Peshawer.

Dated: 12-05-2011

Subject: ARRIVAL REPORT

Sir,

It is humbly stated that I, Adeel Yasin, Lecturer in English, G.D.C. Lachi, Kohat, submit my arrival report after completing Extraordinary Leave (w.e.f. October 1, 2009) till date. I request your good self to kindly accept my arrival w.e.f.(12-05-2011) and oblige ! I am domiciled resident of Kohat City and humbly request for posting in G.P.G.C. Kohat. I shall be extremely thankful to you for this act of kindness.

Adeel Yasin

Truly Yours,
Adeel Yasin,
Lecturer in English,
G.D.C. Lachi, Kohat.

Higher Education

Copy forwarded to:
P/S to Secretary to the Govt. of KPK.

*per
Asst
12/5*

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True Copy

[Handwritten signature]



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

Dated Peshawar the 08.08.2011.

NOTIFICATION

NO. SO(COLLEGES)HED/IX-12/2010. Consequent upon his return from deputation, the Competent Authority is pleased to order the adjustment of **Mr. Adil Yasin**, lecturer in English (BPS-17) at Govt. Post Graduate College, Kohat w.e.f. 12.05.2011 against the vacant.

ANNEX M

33

SECRETARY TO GOVT. OF
KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT.

ENDST: NO. & DATE EVEN.

Copy forwarded to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director Higher Education, Khyber Pakhtunkhwa, Peshawar with reference to his letter No. 17141/CA-II/Estt. Branch dated 04.07.2011.
3. Principal, Govt. Post Graduate College, Kohat.
4. District Accounts Officer, Kohat.
5. Deputy Director (IT), Planning Cell, Higher Education Department.
6. Officer concerned.


SECTION OFFICER (COLLEGES)

Attested to be
True Copy

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IMMEDIATE / REGISTERED.

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

No. SO (COLLEGES-II)HED/12-9/2012.//
Dated Peshawar the 26.08.2013.

To

Mr. Fazle Rabbi, PCS-EG-BS-20,
Provincial Census Commissioner,
Peshawar.

34

SUBJECT: - DISCIPLINARY PROCEEDINGS AGAINST MR. ADIL YASIN,
LECTURER IN ENGLISH (BS-18), GOVT. POST GRADUATE
COLLEGE, KOHAT.

Dear Sir,

I am directed to refer to the subject cited above and to state that Chief Secretary, Khyber Pakhtunkhwa, in his capacity as the Competent Authority has been pleased to approve initiation of disciplinary proceedings against Mr. Adil Yasin, Lecturer in English (BS-17), Govt. Post Graduate College, Kohat vide enclosed statement of Allegations. Consequently the Competent Authority has further been pleased to nominate you to scrutinize the conduct of the aforesaid accused officer vis-à-vis the statement of allegations, to take further necessary action and submit your findings, recommendations and report in accordance with the provisions of the Khyber Pakhtunkhwa Efficiency & Discipline Rules, 2011 within 30-days please.

Encl: As above.

Yours faithfully,

(HABIB-UR-RAHMAN)
SECTION OFFICER (COLLEGES-II)

Endst: No. & Date Even.

Copy forwarded to:

1. Mr. Adil Yasin, Lecturer in English, GPGC Kohat through the Principal, Govt. Post Graduate College, Kohat with the directions to appear before the inquiry officer, on the date, time and place fixed by the inquiry officer, for the purpose of the inquiry proceedings.
2. The Director, Higher Education, Khyber Pakhtunkhwa, Peshawar with the request to detail a departmental representative well conversant with the facts of the case along with relevant record to assist the Inquiry Officer during the inquiry proceedings.

Attested to be
True Copy

Habib-ur-Rahman

before m & file
Reliance
1.21.2013

7002 → 7002
7002 → 7007
7007 →

**GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES & LIBRARIES DEPARTMENT**

CHARGE SHEET

35

I, Mohammad Shahzad Arbab, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Mr. Adeel Yasin, lecturer in English (BS-17), Govt. Post Graduate College, Kohat as follows: -

That you, while posted as lecturer in English (BS-17), Govt. Degree College, Lachi, Kohat committed the following irregularities:-

- i. That while working at Govt. Post Graduate College, Parachinar, Kurram Agency, you proceeded abroad to Saudi Arabia on deputation basis w.e.f 08.08.2002. You were granted extension from time to time upto 08.08.2007. You did not request for extension after 08.08.2007 nor any extension was granted to you after 08.08.2007.
 - ii. That you were repatriated to your parent Department on 21.07.2009, while you claimed that your deputation will expire in April 2009, by concealing the facts from the Department.
 - ✓ iii. That you were not granted any extension after 08.08.2007.
 - iv. That you remained without approval of deputation w.e.f. 09.08.2007 to 20.07.2009.
 - v. That you reported for duty on 21.07.2009 and were adjusted at GDC Lachi, Kohat.
 - vi. That you applied for Extra Ordinary Leave (without pay) for 180 days w.e.f. 01.10.2009 which was not considered and you were informed accordingly through your Principal. But before that you left the College and gone to Saudi Arabia without approval of your leave.
 - vii. The Director, Higher Education, Khyber Pakhtunkhwa sent a registered letter No. 5192 dated 25.01.2010 on your home address wherein you were directed to report for duty immediately failing which disciplinary action will be initiated against you.
 - viii. Instead of resuming your duties, you applied for Extra Ordinary Leave (without pay) for even greater period of one year w.e.f. 01.10.2009 to 30.09.2010 and didn't resume your duty without any decision of the Competent Authority.
 - ix. That you remained absent from duty w.e.f. 01.09.2009 to 11.05.2011.
2. By reasons of the above, you appear to be guilty of misconduct under rule 3 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline Rules), 2011 and have rendered yourself liable to all or any of the penalties specified in Rule 04 of the Rules 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 specified period, failing which it shall be presumed that you have no defence to offer 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.

(Signature)
(MOHAMMAD SHAHZAD ARBAB)
CHIEF SECRETARY,
KHYBER PAKHTUNKHWA

26/8/13

DISCIPLINARY ACTION

36

I, Mohammad Shahzad Arbab, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Mr. Adil Yasin, Lecturer in English (BS-17), Govt. Post Graduate College, Kohat has rendered himself liable to be proceeded against as he committed the following acts / omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- i. That while working at Govt. Post Graduate College, Parachinar, Kurram Agency, he proceeded abroad to Saudi Arabia on deputation basis w.e.f 08.08.2002. He was granted extension from time to time upto 08.08.2007. He did not requested for extension after 08.08.2007 nor any extension was granted to him after 08.08.2007.
- ii. That he was repatriated to his parent Department on 21.07.2009, while he claimed that his deputation will expire on April 2009, by concealing the facts from the Department.
- iii. That he was not granted any extension after 08.08.2007.
- iv. That he remained without approval of deputation w.e.f. 09.08.2007 to 20.07.2009.
- v. That he reported for duty on 21.07.2009 and was adjusted at GDC Lachi, Kohat.
- vi. That he applied for Extra Ordinary Leave (without pay) for 180 days w.e.f. 01.10.2009 which was not considered and he was informed accordingly through his Principal. But before that, he left the College and gone to Saudi Arabia without approval of his leave.
- vii. The Director, Higher Education, Khyber Pakhtunkhwa sent a registered letter No. 5192 dated 25.01.2010 on his home address wherein he was directed to report for duty immediately failing which disciplinary action will be initiated against him.
- viii. Instead of resuming his duties, he applied for Extra Ordinary Leave (without pay) for even greater period of one year w.e.f. 01.10.2009 to 30.09.2010 and didn't resume his duty without any decision of the Competent Authority.
- ix. He remained absent from duty w.e.f. 01.09.2009 to 11.05.2011.

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

- i. Mr. Fozal Lahi
- ii. _____

3. The Enquiry Officer / 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 Enquiry Officer / Committee.

At Kohat
Tues - 11.05.11


(MOHAMMAD SHAHZAD ARBAB)
CHIEF SECRETARY

DEFENCE / REPLY

37

To the

ANNEX O

CHARGE SHEET

FROM

A. Yasin

ADEEL YASIN

LECTURER IN ENGLISH

GPGC-KOHAT

9

38

In the name of Allah, the Most Merciful and the Mighty.

Para I. It is stated that I availed the extensions in deputation till 2007. The charge says that I didn't request for any extension after 2007. Respected Sir, I did request for that particular extension along with the payment of Annual Pension Contribution (receipt attached). The office said it would be processed accordingly. At the same time, I regularly followed it up via telephonic contact. The department always reiterated that it was under process. Consequently I was unable to apply for the next year as the previous year's case was yet to be decided. Then in March 2009, a newspaper notice was issued directing me to join the department. I requested the authorities to allow me time till July 2009, as my contract was to end in July. The department graciously allowed me that time (document attached). I repatriated on 21-07-2009.

Para II. As far as concealing of facts is concerned, I would state that I never ever concealed any fact from my parent department. I requested the department to grant me time till July, 2009 which was accepted.

Para III. This says that I was not granted extension after 08-08-2007, but I submitted an application for extension. I was assured of its approval accordingly. All the previous years' extensions were approved and notified in the same manner. It made me expect a positive response. Moreover, when the notice demanded my arrival, I wasted no time and obeyed the order of the authorities.

Para IV. I would humbly reiterate that I submitted my request for extension and hoped highly that it follow the example of previous four years but, unfortunately, it was not to be. And again to say, when it was advertised in the paper, I requested the concerned authorities and my name was withdrawn from that list. I immediately came back and reported to the office. I was posted at GDC Lachi where I joined accordingly.

Para V. It is submitted that I reported to the department on 21-07-2009. I was posted at GDC Lachi and joined there wef 21-07-2009.

[Handwritten signature]

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Para VI. Before my joining the department I had renewed my job contract in Saudi Arabia. I hoped that I might be granted Extra Ordinary Leave (without pay) if I apply. In this regard I applied for a One Year Extra Ordinary Leave (without pay) instead of 180 days because I realized it couldn't help me as the contract period in KSA was One Year, as it is evident from the perusal of para VIII of the charge. But I was never contacted by any authority regarding non-approval of the request for the said leave.

Para VII. Respected Sir, the Director Higher Education KPK might have sent a registered letter to my home address but such a letter was never received by any member of my family. I have come to know about this letter only through this charge sheet. I made another thorough search from my family members but to no avail! They are very certain not to have received any such letter.

Para VIII. That not only did I request for Extra Ordinary Leave (without pay) for One Year, but also I sent a request for the time after 30-09-2010. Here I was bound to join the parent office but very unfortunate thing happened. I was sure to be relieved at this point but my Saudi Authorities didn't relent. They made me bound to complete the academic year as they had no one to replace me. Moreover, my wife's back surgery and post operative treatment was also a serious problem. I sent an application to the directorate requesting for time till May 2011. Here I found myself very helpless and frustrated. I apologize for this inconvenience and expect from your good self, a sympathetic treatment!

Para IX. Correct, that I remained absent from duty from 01-10-2009 to 11-05-2011, but as I repeatedly said above, I submitted requests for every time span but unfortunately none was approved and the status of those requests was divulged only when came and settled here. The circumstances created by contract timings in KSA also hampered my arrival in time.

Attended to be
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In the light of all the above explanations, it is prayed that my case may kindly be taken sympathetically and on humanitarian grounds. I apologize whole heartedly for my part of negligence. Education Department is not only my Parent Department but also I have gone over age in this department. I am unable to join any other department with this age and qualification. Moreover, I repatriated, ignoring most Lucrative Job abroad which proves my commitment and desire to serve my county and my love to teach here. If there had been any deliberate absence from duty, I wouldn't have joined back. Eversince my repatriation, I have been in discomfiture regarding the fate of service. I have family and children who are all getting education in various schools and the present job is now my only source of LIVELIHOOD! Respected Sir, any loss or damage to my service will cause an irreparable loss to my children's education and their lives. It is prayed that the period of absence from duty may kindly be adjusted against my earned leave and if that doesn't meet the duration of absence from duty, the remaining period may please be treated as Extra Ordinary Leave (without pay).

05-09-2013

A Jasin
Adeel Jasin
Lecturer in English
G.P.S.C. - Rahat

"I" request to be personally heard!

05-09-2013 *A Jasin*

[Signature]

DISCIPLINARY PROCEEDINGS AGAINST ADEEL YASIN LECTURER IN ENGLISH (PS-17) GOVERNMENT POST GRADUATE COLLEGE, KOHAT INQUIRY
BACKGROUND OF THE CASE

Mr. Adeel Yasin, lecturer in English of GPGC Kohat after obtaining post graduate degree from the Gomal University in 1995, had applied to the Public Service Commission, NWFP now Khyber Pakhtunkhwa to be recruited as lecturer in the subject of English vide advertisement No. 19/95. The Public Service Commission, NWFP now Khyber Pakhtunkhwa after conducting screening test for the candidate in the subject of English and interviewing the successful candidate, had selected Mr. Adeel Yasin as lecturer. The entire process of screening test along with the interview of the candidate had been completed in almost two years and on 10-9-1998, the Government of NWFP now Khyber Pakhtunkhwa had issued Notification vide No. SO(C)/II-1/96-VI dated 10-9-1998. Adeel Yasin was selected as a lecturer in the subject of English accordingly. Mr. Adeel Yasin was placed at S.No. 74 of the merit list of the Notification. He was posted to Government Degree College, Parachinar, Kurram Agency. After his submission of his arrival report in the Government Degree College, Parachinar, Kurram Agency, Mr. Adeel Yasin, lecturer had accordingly assumed charge on 15th September, 1998 (P). He remained lecturer in English in the Government Degree College, Parachinar, Kurram Agency vide 15-9-1998 till 29-8-2002 (three years and eleven months in total). Mr. Adeel Yasin, lecturer in English was relieved from the college on 29-8-2002 (A.N) as Mr. Adeel Yasin, lecturer had to report to the Overseas Employment Corporation, Islamabad because he had been selected by the Overseas Employment Corporation, Islamabad to serve in the Education Ministry of Saudi Arabia. After relieving from the Government College, Parachinar, Kurram Agency, Mr. Adeel Yasin, lecturer in English reported to Overseas Employment Corporation, Islamabad accordingly.

2. The Overseas Employment Corporation, Islamabad arranged visa of Saudi Arabia along with the ticket for Adeel Yasin, lecturer in English and finally, he took flight for Saudi Arabia on 17th September, 2002. The Provincial Government accordingly allowed suspension of one year to Adeel Yasin, lecturer in English and,

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ANNEX P

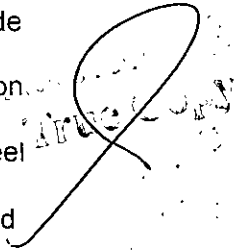
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proper notification to that effect was issued by the Provincial Government vide No.SO(FATA)Edu/1-9/2002 dated 8-8-2002. Mr.Adeel Yasin, lecturer joined the service in the department of Schools and Literacy in Aseer, Abha Riyadh (Kingdom of Saudi Arabia). According to the terms and conditions of the contract with the Saudi Government, the contract of the Adeel Yasin lecturer was for one year, however, the same was automatically renewable for one more year, but it was also mentioned in the terms and conditions of the contract that anybody, who was going to be expelled by the Saudi Government from the country, he was going to be given two months advance notice by the employer.

After serving in Saudi Arabia for almost ten months, the Saudi Government allowed 25 days leave alongwith the extension in visa for one year to Mr.Adeel Yasin, lecturer in English. Mr.Adeel Yasin, lecturer in English came back to Pakistan on 28th June, 2003 and applied for extension in deputation period for one more year. The provincial government acceded to the request of Mr.Adeel Yasin, lecturer in English and allowed one year more extension in deputation period vide notification No.SO(FATA)/Edu/1-9/2002(Vol-III) dated 6-12-2003. Mr.Adeel Yasin, lecturer, in English again joined the department of schools and literacy in Aseer, Abha, Riyadh (Kingdom of Saudi Arabia) and served there for an other year. The Provincial Government was pleased to issue an other Notification vide No.SO(FATA)/Edu/1-9/2002 dated 29-10-2004 thus allowing extension of one more year in favour of Mr.Adeel Yasin, lecturer to serve in the Kingdom of Saudi Arabia. After serving for three years in the Kingdom of Saudi Arabia, the provincial government was pleased to issue an other notification vide No.SO(FATA)/1-9/2002(Vol-III) dated 15-10-2005 thus allowing extension to Mr.Adeel Yasin, Lecturer for an other year. Mr.Adeel Yasin was serving in the Education Ministry of Saudi Arabia and having taught in Saudi Arabia for almost four years, when the government issued last Notification vide No.SO(FATA)/Edu-1/9/2002(Vol.V-III) dated 31-01-2007. This was the last Notification issued by the provincial government thus allowing one year more extension to Adeel Yasin lecturer in English and after this last Notification, no other notification was issued

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by the provincial government for the extension of deputation period to the Adeel Yasin lecturer in English. Moreover, the total period served by Mr. Adeel Yasin, lecturer was for five years as deputationist and he was barred to deposit his pension contribution anymore, because no further extension in the deputation period was going to be allowed by the government under the Rules and Regulations and, he had to definitely join his duty in the Higher Education Department, Khyber Pakhtunkhwa on 9-8-2007 which was the last date/deadline for joining the Higher Education Department by Mr. Adeel Yasin, lecturer in English. Mr. Adeel Yasin, lecturer in English remained in Saudi Arabia till 20th July, 2009. If this period will be added with the joining period of 8-8-2007 then it clearly shows that Mr. Adeel Yasin, lecturer remained absent from his lawful duty for almost two years.

Mr. Adeel Yasin, lecturer in English was required to have joined the Higher Education Department, Khyber Pakhtunkhwa as he had already availed five years deputation period allowed to him till 8.8.2007, but instead of joining the Higher Education Department, he tried once again to get deputation for one more year, but the same could not be materialized. Adeel Yasin, lecturer continued his service in violation of government Rules and Regulations in Saudi Arabia in spite of the fact that he had no legal cover/mandate to continue his service in the Education Ministry of Saudi Arabia.

When the Provincial Government issued repatriation Notification vide No SO (COLLEGES) X-IV/2008 dated 2nd March, 2009 for the repatriation of Mr. Adeel Yasin, lecturer in English of postgraduate College, Parachinar, Kurram Agency along with others lecturers and Professors serving in Saudi Arabia, Mr. Adeel Yasin, lecturer in English did not respond positively, rather he claimed that his deputation period had not yet been expired and the same was going to be expired on 20-7-2009 and even he did submit written request/memorandum to the Higher Education Department to the effect that his deputation period was till intact thus not only concealing the true facts from the Higher Education Department rather indulging in lying as well as cheating the provincial government. After submission of written request by Adeel Yasin, lecturer in English to the effect that his deputation period was intact till 20-7-2009, the provincial government was constrained to issue modified notification vide

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No SO(COLEGES)/X-Vol-VI/2008 dated 2-4-2009 whereby the name Adeel Yasin, lecturer was withdrawn from the repatriation Notification. Adeel Yasin, lecturer in English came to Pakistan on 21st July, 2009 and submitted his arrival report cum adjustment request in the GPGC, Kohat to the Higher Education Department, Khyber Pakhtunkhwa. The Provincial Government accordingly issued notification vide No.SO(C)/X-IV/08 dated 3-8-2009 and adjusted him in the GDC, Lachi, Kohat District. After this Notification issued by the Provincial Government, Mr.Adeel Yasin, lecturer in English reportedly assumed the charge in the GDC, Lachi, Kohat District w.e.f 21-7-2009 from the very date of his adjustment by the provincial government. Mr.Adeel Yasin, lecturer in English reportedly remained on duty in the GDC Lachi till 30th September, 2009 (two months and ten days) and then submitted an other application through the GDC Principal, Mr.Mohabat Khan for extra ordinary leave of 180 days to be granted to him by the provincial government. The application was forwarded by the Principal from 1-10-2009 to the Director Higher Education for the purpose of sanctioning of 180 days leave of Adeel Yasin, lecturer in English. The record maintained by the Director, Higher Education Department revealed that Adeel Yasin, lecturer after submission of his leave application through proper channel for 180 days leave, immediately left for Saudi Arabia instead of sanctioning of his leave. He joined the Education Ministry once again in Saudi Arabia as a teacher. The provincial government did turn down the request of the Adeel Yasin, lecturer in English of 180 days leave because of shortage of lecturers in the Higher Education Department and he was asked through the Principal, GDC, Lachi to immediately join his duty in the Higher Education Department failing which disciplinary proceedings against the Adeel Yasin, lecturer will be initiated. Mr.Adeel Yasin, lecturer in English after getting information about the rejection of his request for 180 days, once again tried for one year leave by addressing an application dated 2-2-2010 directly to the Director Higher Education requesting him for leave without pay for one year. He had taken the plea that his wife was under treatment in Saudi Arabia and required constant attention. The request of one year leave without pay was also rejected by the provincial government. Mr.Adeel Yasin, lecturer in English remained in Saudi Arabia from 1-10-

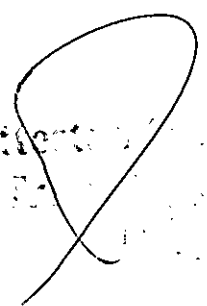
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2009 till 11-5-2011 without having leave sanctioned by the provincial government thus Adeel Yasin, lecturer in English remained absent from his duty for one year seven months and eleven days.

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5 ✓ The provincial government had already initiated disciplinary proceedings against Adeel Yasin lecturer in English and when he got this information, he immediately rushed back to Pakistan and submitted his arrival report to the provincial government on 12-5-2011. The provincial govt. after getting his arrival report, issued notification about the adjustment of Adeel Yasin, lecturer in English in the Govt Post Graduate College, Kohat vide No. D(Off. Sec/HE)/IX-12/2010 dated 8-8-2011. Accordingly, Mr. Adeel Yasin, lecturer in English assumed the charge in the Govt postgraduate College, Kohat w.e.f 12-5-2011.

6 ✓ The provincial government had already initiated disciplinary proceedings against Adeel Yasin, lecturer in English before submission of his arrival report on 12-5-2011 and later on adjusting him in the Govt postgraduate College from the same date. The case of disciplinary proceedings against the accused lecturer, Adeel Yasin was already under process by the Director Higher Education and various correspondences between the Directorate of Higher Education and Secretariat Higher Education as well as between the Secretariat of Higher Education and Establishment department about the framing of Charge Sheet alongwith the statement of allegations, were continuing, which is clear from the record of the Director Higher Education as well as Secretariat Higher Education. When one goes through the record of the Directorate Higher Education alongwith the Secretariat, Higher Education, it gives clear picture to the effect that how the dealing hands in both the Directorate and Secretariat Higher Education were so inefficient, indolent and so sluggish in their job that the file of the accused lecturer, Adeel Yasin was so many time shuttled between the Higher Education Department Khyber Pakhtunkhwa and the Establishment Deptt., Khyber, Pakhtunkhwa for correcting of various dates in the statement of allegations as well as charge sheet and finally the Chief Secretary, Khyber Pakhtunkhwa was constrained to issue separate



Inquiry against the officials responsible in the Higher Education Department for delay of more than one year about the proceedings to have been initiated against the accused lecturer, Adeel Yasin as well as fixing responsibility against the responsible officials. This inefficiency on the part of Higher Education Department clearly speaks about the taking of toll of precious time of the government as well as resources. Finally, the provincial government of Khyber Pakhtunkhwa had formally initiated disciplinary proceedings against Adeel Yasin, lecturer in English for his alleged absence from his duty as well as concealing some facts from the government and indulging in violation of Rules and Regulations:

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Accordingly, the provincial government appointed Mr. Fazli Rabbi, Provincial Census Commissioner/Head of Pakistan Bureau of Statistics (PCSEG BS-20) as Inquiry Officer vide Notification No. SO(COLLEGES-II)/HED/12-9/2012/1668-70 dated 26-8-2013 (Copy Annexure "I"). The provincial government had also framed statement of allegations alongwith the charge sheet against the accused lecturer (two pages). Copies Annexure "II and III" respectively. The following allegations in the charge sheet have been leveled by the provincial government against the accused lecturer Adeel Yasin.

STATEMENT OF ALLEGATIONS

- i. That while working at Govt. Post Graduate College, Parachinar, Kurram Agency, he proceeded abroad to Saudi Arabia on deputation basis w.e.f 08-08-2002. He was granted extension from time to time upto 08-08-2007. He did not request for extension after 08-08-2007 nor any extension was granted to him after 08-08-2007.
- ii. That he was repatriated to his parent Department on 21-07-2009, while he claimed that his deputation will expire on April, 2009, by concealing the facts from the Department.
- iii. That he was not granted any extension after 08-08-2007.
- iv. That he remained without approval of deputation w.e.f 08-08-2007 to 20-07-2009.

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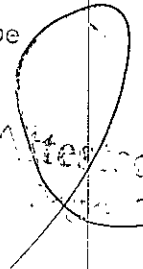
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- v. That he reported for duty on 21-07-2009 and was adjusted at GDC Lachi, Kohat.
- vi. That he applied for extra ordinary leave (without pay) for 180 days w.e.f 01-10-2009 which was not considered and he was informed accordingly through his Principal. But before that, he left the College and went to Saudi Arabia without approval of his leave.
- vii. The Director, Higher Education, Khyber Pakhtunkhwa sent a registered letter No.5192 dated 25.01.2010 on his home address wherein he was directed to report for duty immediately failing which disciplinary action will be initiated against him.
- ix. Instead of resuming his duty, he applied for extra ordinary leave (without pay) for even greater period of one year w.e.f 01-10-2009 to 30-09-2010 and didn't resume his duty without any decision of the competent authority.
- x. He remained absent from duty w.e.f 01-09-2009 to 11-05-2011.

FINDINGS/PROCEEDINGS

As per directions of the provincial government, the Inquiry Officer accordingly initiated inquiry proceedings in the case and examined the conduct of the accused lecturer in English, Adeel Yasin of Govt. Postgraduate College, Kohat vis-à-vis the statement of allegations. The provincial government had already sent charge sheet alongwith the statement of allegations to the accused lecturer in English, Adeel Yasin of GPGC Kohat through Principal Govt. Postgraduate College, Kohat for appearing before the Inquiry Officer and submitting his reply to the statement of allegations leveled against him by the provincial government.

2. The accused lecturer, A... appeared before the Inquiry Officer on 5-9-2013 and submitted four pages reply to the charge sheet. He also desired to be personally heard by the Inquiry Officer. Reply of the accused lecturer to the charge

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sheet is, Annexure "IV". The Inquiry Officer has gone through the reply submitted by the accused lecturer in rebuttal of the statement of allegations. Let me briefly discuss the reply submitted by the accused lecturer, Adeel Yasin vis-à-vis statement of allegations. In the first para of the rebuttal, the accused lecturer said that it has wrongly been mentioned in the statement of allegations that he did not request for extension after 2007 rather he did request for extension which is clear from the pension contribution receipt attached with the reply. (The reply to the charge sheet examined by the Inquiry Officer, but the pension contribution receipt could not be found attached). The accused lecturer further said in the para-1 of the reply to the charge sheet that he constantly followed up his case with the Higher Education Department through telephonic contacts and the officials, sitting in the Higher Education Department assured him that his case was under process. The accused lecturer rebutted in his reply that a notice in the newspaper was issued in March, 2009, directing him to join the Higher Education Department and he requested to the Higher Education Department to allow him time till July, 2009 as his contract with the Saudi Govt. was going to end in July, 2009. The Higher Education Department did allow him till July, 2009. (The documents attached). The inquiry officer did examine the reply of the accused lecturer, Adeel Yasin, but no such documents, whatsoever, were found attached. The accused lecturer by claiming such period till July, 2009, allowed by the Higher Education Department, is not only ✓ misrepresentation of the facts as well as misleading rather the accused lecturer, Adeel ✓ Yasin has told lie before the inquiry officer, who status is not less than a Presiding ✓ Judge of the High court, while conducting such judicial inquiry rather the accused ✓ lecturer has totally indulged in white lie, which did not behoove a responsible officer of ✓ the government as well as Muslim. The inquiry officer has also examined the record of ✓ the Higher Education Peshawar, where no such documentary proof, whatsoever, ✓ allowing the accused lecturer, Adeel Yasin period till July, 2009, could be found. The accused lecturer in his reply to the para one of the allegation has further twisted the true facts by claiming that his deputation period will expire on April, 2009 thus not only

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concealing the facts from the provincial government rather distorted the true position about the leave/deputation period allowed to him which was 08-08-2007 and not March, 2009.

3 In para-2 of the reply the accused lecturer, Adeel Yasin rebutted the allegations by saying that he did not conceal the facts from the provincial government rather the Higher Education Department granted him leave/time till July, 2009. Again the

accused lecturer, Adeel Yasin has indulged in telling lie, because as per examination of the record maintained by the Higher Education Department alongwith the Secretariat of Higher Education Department, no such documentary proof, whatsoever, could be found on the record.

4 In para-3 of reply to the allegations, the accused lecturer, Adeel Yasin again responded in the same manner as mentioned above totally passing the buck to the Higher Education Department by saying that he did claim extension in deputation after 08-08-2007 by submitting written application to the Higher Education Department that he will be granted extension like previous year accordingly.

5 In para-4 of the statement of allegations, the accused lecturer responded that he had hoped that he will be granted extension for one more year, but his hope was dashed to pieces, when the Higher Education Department did not grant him further extension and after publication of notice in the newspaper, he did rush to Pakistan to join the Higher Education Department and complied with the directions of the provincial government. The inquiry officer has examined the reply of the accused lecturer, Adeel Yasin very carefully vis-à-vis the statement of allegations, which revealed that the accused lecturer has avoided straight reply to the charges leveled against him to the effect that the accused lecturer remained without approval of deputation w.e.f 8-8-2007 to 20-7-2009 and has given ambiguous reply by concealing the true facts. The record maintained by the Higher Education Department alongwith the Secretariat Higher

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Education Department examined by the inquiry officer, which revealed that the accused lecturer, Adeel Yasin had not been allowed any deputation w.e.f 8-8-2007 to 20-7-2009 (a total period of almost two years). This shows that the accused lecturer was not only indulging in statistical juggle, but also indulging in misrepresentation of facts. The allegations of the provincial government to the effect that the accused lecturer, Adeel Yasin remained without approval of deputation w.e.f 8-8-2007 to 20-7-2009 fully stand proved.

6 In para-5 of the reply to the charge sheet, the accused lecturer, Adeel Yasin has submitted that he submitted his arrival report on 21-7-2009 and adjusted in the Govt. Degree Lachi, Kohat accordingly. He also assumed the charge in Govt. Degree College, Lachi w.e.f 21-7-2009. The accused lecturer, Adeel Yasin has not attached any documentary proof, whatsoever, with his reply to the allegations leveled against him by the provincial government nor there is any documentary proof of his joining the government Degree College Lachi and assuming charge in the said College from 21-7-2007. In the record maintained at the level of the Director Higher Education, no documentary proof could be found about the assumption of charge by the accused lecturer, Adeel Yasin joining the Govt. Degree College, Lachi on 21-7-2009 by the inquiry officer. The same facts will be discussed later on, when the evidences and documentary proof collected by the inquiry officer will be discussed at a later stage.

7 In reply to the para-6 of the statement of allegations, the accused lecturer has submitted that before joining the department on 21-7-2009, he had renewed his contract of his job with the Saudi Government for one year thus he applied for 180 days extra ordinary leave to the provincial government, but later on he realized that the same leave will not be sufficient for him and he accordingly applied for enhanced period of one year, but he was not contacted by the authorities of the higher education department to the effect that his leave request had not been approved by the provincial government. The reply to the para-6 of the statement of allegations submitted by the accused lecturer was examined by the inquiry officer and found that the same

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to what the accused lecturer, Abdel Yasin.

10 In reply to the para-9 of the charge sheet, the accused lecturer admitted it

correct that he remained absent from duty w.e.f. 1-9-2009 to 11-2-2011.

11 The reply to the statement of allegations submitted by the accused

lecturer, Abdel Yasin was not only unsatisfactory, skewed, sketchy as well as skipping

over many details required from the accused lecturer, Abdel Yasin as allegedly

mentioned in the charge sheet and the statement of allegations. Moreover, the accused

lecturer, Abdel Yasin had also twisted and fractured the facts, therefore, the inquiry

officer seemed it appropriate to record the statement of the accused lecturer, Abdel

Yasin to get to the bottom of the case about all the allegations leveled against the

accused lecturer, Abdel Yasin, by the provincial government. His comprehensive

statement (seven pages) alongwith twenty pages enclosures was recorded on date. The

enclosure alongwith the enclosures is, Annexure V.

12 That resume of the statement recorded by the inquiry officer is given

below:-

-As per version given by the Abdel Yasin lecturer in English, he

obtained his post Graduate Degree from Gomal University in 1992 and

recruited by the former WFP Public Service Commission now Khyber

Pakistan in 1998. The provincial government had issued notification

No. SO(C)-11-198-VI dated 10-8-1998 about his recruitment. He had formally

assumed the charge of the post of lecturer in English in the Govt College,

Parachinar, Kuzm Agency. He served in the Govt College, Parachinar,

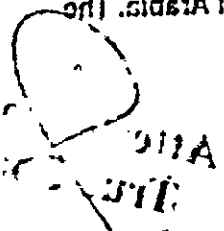
Kuzm Agency as a lecturer in English for three years and eleven months

and on 20-8-2002, he relieved from the Govt Degree College,

Parachinar, Kuzm Agency to join Education Ministry in the Saudi Arabia.

He accordingly joined the education Ministry in Saudi Arabia. The

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because the accused lecturer had to wait for the approval or disapproval of the requested leave by the provincial government and had to continue his job in the Govt. Degree College, Lachi, which he did not. He blatantly violated the Rules and Regulations by leaving Pakistan and joining the Education Ministry in Saudi Arabia in spite of the fact that his leave was not approved by the provincial government. Moreover under the Rules and Regulations, the leave awarded to any government servant is privilege and could not be claimed by anybody as a matter of right.

8 In reply to the para-7 of the charge sheet, the accused lecturer totally denied the allegations leveled against him that the Director Higher Education Khyber Pakhtunkhwa had sent a registered letter No. 5192 dated 25-1-2010 on his home address wherein he was directed to report for duty immediately failing which disciplinary proceedings against him will be initiated. The reply submitted to para-7 of the statement of allegations by the accused lecturer is totally false and fabricated as the inquiry officer examined the record of the Directorate of Higher Education and the Registered letter was duly sent to the accused lecturer on his home address.

9 In reply to the para-8 of the charge sheet, the accused lecturer admitted that he had correctly applied for greater period of one year w.e.f. 1-10-2009 to 30-9-2010 and he was bound to resume his duty after the expiry of one year, but the Saudi authorities did not relieve him and he was asked to complete the academic year. Moreover, his wife had also undertaken back surgery and post operative treatment was also a problem for him. He had sent an application to the Directorate of Education requesting it to grant him leave till May, 2011. The inquiry officer has examined the reply carefully and all the pleas taken by the accused lecturer are totally unacceptable because the medical record available on the Directorate file regarding the injuries of his wife on her back were only minor bruises/scratches and the accused lecturer has given totally a wrong picture about the serious injuries of his wife and post operative treatment etc. So the allegations to the effect that the accused lecturer did not resume his duty as

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asked for by provincial government vide letter No.5192 dated 25-1-2010, stand proved against the accused lecturer, Adeel Yasin.

10 In reply to the para-9 of the charge sheet, the accused lecturer admitted it correct that he remained absent from duty w.e.f 1-9-2009 to 11-5-2011.

11 The reply to the statement of allegations submitted by the accused lecturer, Adeel Yasin was not only unsatisfactory, skewed, sketchy as well as skipping over many details required from the accused lecturer, Adeel Yasin as allegedly mentioned in the charge sheet and the statement of allegations. Moreover, the accused lecturer, Adeel Yasin had also twisted and fractured the facts, therefore, the inquiry officer deemed it appropriate to record the statement of the accused lecturer, Adeel Yasin to get to the bottom of the case about all the allegations leveled against the accused lecturer, Adeel Yasin, by the provincial government. His comprehensive statement (seven pages) alongwith twenty pages enclosures was recorded on oath. The statement alongwith the enclosures is, Annexure "V".

12 Brief resume of the statement recorded by the inquiry officer is given below:-

"As per version given by the Adeel Yasin lecturer in english, he obtained his post graduate Degree from Gomal University in 1995 and recruited by the former NWFP Public Service Commission now Khyber Pakhtunkhwa in 1998. The provincial government had issued notification No.SO(C)/II-1/96-VI dated 10-9-1998 about his recruitment. He had formally assumed the charge of the post of lecturer in English in the Govt.College, Parachinar, Kurram Agency. He served in the Govt.College, Parachinar, Kurram Agency as a lecturer in English for three years and eleven months and on 29-8-2002, relieved from the Govt.Degree College, Parachinar, Kurram Agency to join Education Ministry in the Saudi Arabia. He accordingly joined the education Ministry in Saudi Arabia. The

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provincial government allowed him one year deputation period vide No.SO(FATA)/Edu/1-9/2002 dated 8-8-2002 and the provincial government was pleased to give him periodical extension in deputation period accordingly. The last notification vide which he was allowed extension was issued vide No.SO(FATA)/Edu-1-9/2002(Vol-III) dated 31-1-2007 and he had served for five years on deputation in the Kingdom of Saudi Arabia. On 25th June, 2007, when he came to Pakistan, he applied for further extension of one more year and he was told that not to deposit further pension contribution as he will not be granted further extension in deputation by the government under the Rules and Regulations. He remained in Saudi Arabia till 20th July, 2009. On 21st July, 2009 he submitted his arrival report cum request for adjustment in the Govt.Postgraduate College Kohat to the Higher Education Department, Khyber Pakhtunkhwa, but instead of adjusting him in the GPGC Kohat, the provincial government issued Notification vide No.SO(C)-X-IV/08 dated 3-8-2009 and adjusted him in the Govt.Degree College, Lachi. The accused lecturer took the charge in the GDC Lachi w.e.f 21-7-2009 and served as lecturer in the Govt.Degree College Lachi till 30th September, 2009 (two months and ten days). He submitted an application for 180 days extra ordinary leave to the Director Higher Education through Principal Govt.Degree College Lachi, Kohat. After submission of his application through proper channel for 180 days leave, he straightaway left for Saudi Arabia and joined his old institution Aseer Abha Riyadh Kingdom of Saudi Arabia. From Saudi Arabia, he submitted an other application on 2-2-2010 addressed to the Director Higher Education directly requesting him for one year extra ordinary leave w.e.f 1-10-2009 till 11-5-2011 which was turned down by the provincial government and he was not granted any leave. He had got information about the disciplinary proceedings which had already been initiated against him by the provincial government. He rushed back to Pakistan and

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submitted his arrival report cum request for adjustment in the Govt. Postgraduate College, Kohat. Accordingly, the provincial government had issued notification No.SO(Colleges)/HED/9-12/2010 dated 8-8-2011 and the accused lecturer, Adeel Yasin was adjusted in the Govt. Postgraduate College Kohat w.e.f 12-5-2011. Under cross examination, the accused lecturer admitted it correct that any leave granted to the government servant is privilege and could not be claimed as a right. He further admitted it correct that in Saudi Arabia he was getting hefty salary of 6900 Saudi Riyal which is equivalent to Pakistani currency of Rs.1,65000/- per month and even Grade-20 officer is not receiving this much pay in Pakistan. He further admitted it correct that the withdrawal of notification No.SO(Colleges-X)/IV/2008 dated 2-1-2009 for his repatriation back to the Higher Education Department, was withdrawn on his written request/application addressed to the Secretary Higher Education Department. The provincial government had issued modified notification vide No.SO(COLLEGES-X)/IV/2008 dated 12-3-2002. He had also made it clear to the provincial government that his contract period with the Saudi Government will expire in July, 2009. He further admitted it correct that he submitted an application for further extension after 8-8-2007 to the Deputy Director, FATA and he was assured that he will be granted further extension. He further admitted it correct that the allegations leveled against him in the charge sheet to the effect that he remained without approval of extension w.e.f 9-8-2007 to 29-7-2009, a total period of two years".

13

The statement of the accused lecturer recorded by the inquiry officer when juxtaposed with the reply submitted by the accused lecturer and rebuttal given by him against the allegations leveled against him by the provincial government, then one easily come to the conclusion that there is glaring contradiction between the two. Some of the facts which were concealed by the accused lecturer in reply to the statement of

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allegations, have come to the surface in the statement of accused lecturer recorded by the inquiry officer. This shows that the accused lecturer had not come to the inquiry officer with clean hands and concealed the true facts.

14 To know the latest position about the performance of the accused lecturer, Adeel Yasin as to whether he was available in the Government Post Graduate College, Kohat after assumption of charge by the accused lecturer in the said college on 12-5-2011, the inquiry officer visited GPGC, Kohat on 3-9-2013 and examined Mr. Jehanzeb, Principal, GPGC, Kohat on oath. Mr. Jehanzeb, Principal, in his statement recorded on oath confirmed the presence of the accused lecturer, Adeel Yasin in the GPGC Kohat. He confirmed that the accused lecturer, Adeel Yasin submitted his arrival report on 12-5-2011 and further confirmed that he assumed the charge in the said College. The statement of Mr. Jehanzeb Principal alongwith enclosures A,B,C is, Annexure."VI".

15 To fulfill the requirements of justice, fair play, ensuring the dispensation of justice and to reach the depth of the matter, examining the facts and circumstances of the case as well as to probe carefully the allegations leveled by the provincial government and to know about the conduct of the accused lecturer, Adeel Yasin now posted at Government Postgraduate College, Kohat, the inquiry officer not only visited different places to get to the bottom about the behavior and conduct of the accused lecturer and bringing the documentary proof on the record, but also to know about his conduct in the colleges, where he served and performed his duty. The inquiry officer recorded the evidence of the relevant prosecution witnesses to know the actual facts about the allegations leveled against the accused lecturer by the provincial government in the charge sheet and statement of allegations.

16 Since, the accused lecturer, Adeel Yasin served in the Govt. Degree College, Parachinar, Kurram Agency, therefore, Mr. Muhammad Islam Bangash, previously posted as Deputy Director Directorate of Education, FATA Secretariat Warsak Road, Peshawar and examined as PW.1. Mr. Muhammad Islam Bangash, Ex-Deputy Director Directorate of Education, FATA Peshawar stated on oath that Mr. Adeel

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Yasin, lecturer in English was serving in the Govt. Degree College, Parachinar, Kurram Agency in the year 2002. He further stated on oath that a letter No.16446 dated 8-9-2009 was issued under his signature. The letter was regarding the arrival report of the accused lecturer, Adeel Yasin, which was received by the Director Colleges Higher Education, Khyber Pakhtunkhwa. The accused lecturer, Adeel Yasin had also submitted application dated 21-7-2009 addressed to the Director Higher Education with the request to be adjusted in the Post-Graduate College, Kohat. The application cum request of the accused lecturer, Adeel Yasin was duly processed by the Director Higher Education and sent to Secretary Higher Education vide letter No.16921 dated 1-8-2009 with copy endorsed to Section Officer FATA and the Director Education FATA vide No.16922-23 dated 1-8-2009. In response to the above mentioned letter, the Directorate of Education, FATA had addressed a letter No.16446 dated 8-2-2009, the contents of which regarding the provision of substitute of Mr. Adeel Yasin were very much clear. The Directorate of Higher Education, FATA had demanded substitute of Mr. Adeel Yasin, lecturer in English after his repatriation back to Khyber Pakhtunkhwa Province. The letter bearing No.16446 dated 8-9-2009 was correct and correctly signed by him. Copy of the letter is, exhibit PW.1/1. When a cross examined, the Ex-Deputy Director Mr. Muhammad Islam Bangash stated that neither the provincial government honored the request of the Directorate of Education FATA to provide substitute of Adeel Yasin, lecturer in English after his repatriation back to Khyber Pakhtunkhwa nor the provincial government honored the request of the Directorate of Higher Education FATA to place the services of Adeel Yasin, lecturer in English at the disposal of Directorate, FATA for further posting him at Government Degree College, Parachinar, Kurram Agency. This thing has been noted by the inquiry officer that how the people sitting in the Directorate of Higher Education alongwith the people sitting in the Secretariat of Higher Education did trample the Rules and Regulations under their feet. The first priority should have been given to FATA and the accused lecturer's services should have been placed at the disposal of Directorate of Higher Education FATA, but the people sitting at both the Directorate and Secretariat Higher Education Department did favour the accused lecturer for the reasons better known to them. It is further ironical that no substitute of

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Adeel Yasin, lecturer in English was provided by the Higher Education Department so that the vacancy falling vacant as a result of repatriation of the accused lecturer, Adeel Yasin should have been filled inspite of the written request made by the Directorate of Higher Education, FATA.

17 To further probe the request of the accused lecturer, Adeel Yasin regarding the extraordinary leave requested by him, w.e.f 1-10-2009 to 30-9-2010, the statement of Abida Azeem Ex-Deputy Director (Establishment) Directorate of Education FATA was also recorded on oath. The Ex-Deputy Director(Establishment),Abida Azeem confirmed that letter bearing No.20998 dated 8-2-2011 regarding the extra ordinary leave for one year of the accused lecturer, Adeel Yasin now posted at GPGC Kohat was correctly signed by her. Copy of the letter mentioned is, exhibit PW.2/2. Moreover, a fallow up letter No.4970 dated 11-4-2011 was also signed by her. Copy of the letter is, exhibit PW.2/3. When cross examined by the inquiry officer, the Ex-Deputy Director confirmed that the accused lecturer, Adeel Yasin had been allowed two years extra ordinary leave by the government and later on he was shifted to the settle side and she did not know anything about the leave etc any more about Adeel Yasin, lecturer in english.

18 To know about the entire deputation period of the accused lecturer, Adeel Yasin, when he was serving abroad in the Education Ministry, Saudi Arabia and to reach a definite conclusion about the actual deputation period allowed to him, the inquiry officer examined, Mr.Farmanullah Khan, Ex-Section Officer of Directorate of Education FATA now retired, on oath. Mr.Farmanullah Khan during his examination in chief stated on oath that before his retirement, he was posted as a Section Officer in the Directorate of Education, FATA. Mr.Adeel Yasin, lecturer was posted in Govt.Degree College, Parachinar in the year 1998 and after his selection by the Overseas Employment Corporation, to serve abroad in Saudi Arabia, the provincial government had allowed him deputation abroad. His case was processed for issuance of NOC by the FATA Secretariat. A letter bearing No.SO(FATA)/Edu/1-

Handwritten signature

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9/2002/KC dated 22-6-2002 was accordingly addressed to the Establishment and Administration, NWFP, Peshawar now Khyber Pakhtunkhwa. He confirmed the contents of the letter as correct alongwith his signature. In response to the letter mentioned above, the Establishment and Administration Department Khyber Pakhtunkhwa had conveyed approval of NOC vide letter No.SOR.1(R&AD)/3-73/75(Vol.VII) dated 12-7-2002 in respect of Adeel Yasin, lecturer in English. Copy of the letter issued by the Establishment and Administration Department is, exhibit PW.3/5. After the receipt of the NOC from the Establishment Department Khyber Pakhtunkhwa, the case was taken up with the Finance Department vide letter No.SO(FATA)/Edu-1/9/2002/Vol.VIII dated 20-7-2002. The Finance Department was requested for determination of terms and conditions in respect of Adeel Yasin, lecturer in English. Copy of the letter is, exhibit PW.3/6. The Ex-Section Officer further stated that in response to the letter mentioned above, the Finance Department accordingly advised the FATA Secretariat vide its letter No.UO KC/FD/SO.(SR-III-II)/7/108/2002 dated 6-8-2002 that the accused lecturer had to deposit his pension contribution while serving abroad regularly and no more action was required on the part of the Finance Department, Khyber Pakhtunkhwa. The rest of the terms and conditions will be settled by the Department itself. Copy of the letter bearing No.UO KC/FD/SO.(SR-III-II)/7/108/2002 dated 6-8-2002 is, exhibit PW.3/7. After getting green signal from the Finance Department, the FATA Secretariat settled the terms and conditions with Adeel Yasin, lecturer in English vide Notification even No.dated 8-8-2002 and he was accordingly allowed one year period to serve abroad. Copy of the notification is, exhibit PW.3/8. After the expiry of one year deputation period, the deputation period for one more year was allowed by the government after thorough processing of his case. Notification was issued vide even No. dated 6-12-2003 thus allowing him extension for deputation period of one year. Copy of the notification is exhibit PW.3/9. Mr.Farmanullah Khan, Ex-Section Officer further confirmed that an other notification vide even No.dated 29-10-2004 allowing an other extension to the accused lecturer, Adeel Yasin in deputation period of one year, was issued under his signature. Copy of the notification is, exhibit PW.3/10. Similarly, the

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provincial government was pleased to allow further extension in deputation period and other notification vide even No. dated 15-10-2005 was issued under his signature in favour of Mr. Adeel Yasin, lecturer in English. Copy of the Notification is, exhibit PW.3/11. Mr. Farmanullah Khan further confirmed in his statement recorded on oath by the inquiry officer that the last notification vide even No. dated 31-1-2007 was also issued under his signature thus allowing the accused lecturer, Adeel Yasin for further extension of one year in his deputation period. Copy of the notification is, exhibit PW.3/12.

19 When cross examined by the inquiry officer, the Ex-Section Officer, Farmanullah confirmed that all the five notifications vide which the deputation period for period of one year each was allowed to the accused lecturer, were correctly signed by him and these notifications now are not a part of the government record. He further confirmed during the cross examination that he did not know about any further extension in deputation period given to the accused lecturer, Adeel Yasin by the provincial government as nothing is available on the record of the relevant file maintained by the FATA Secretariat under the Title "DEPUTATION ABROAD".

20. To reach the correct conclusion as to whether the accused lecturer, Adeel Yasin now posted at Govt. Postgraduate College, Kohat, while serving abroad in Saudi Arabia, was given any further extension in deputation period or any other kind of leave after 2007 and then repatriating him back to the Higher Education Department by the provincial government, the inquiry officer summoned Mr. Wajid Ali, Ex-Section Officer Directorate of Education Peshawar now Deputy Director Planning and Development Department and examined him on oath. Mr. Wajid Ali, Ex-Section Officer Directorate of Higher Education now Deputy Director Planning and Development Department Khyber Pakhtunkhwa stated on oath that he had seen the notification bearing No. SO(COLLEGES)-X-V/2008 dated 2-3-2009 vide which the deputationists including Adeel Yasin lecturer in English now posted at GPGC, Kohat were asked to report back to the Higher Education Department Khyber Pakhtunkhwa for further posting. Mr. Adeel

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Yasin, lecturer in English was on deputation in the Education Ministry of Saudi Arabia.

The notification was correctly issued under his signature. Mr. Adeel Yasin, lecturer in English after getting information about his repatriation back to the Higher Education Department, submitted arrival report cum report for adjustment to the Director Higher Education, Peshawar, wherein he had claimed that his deputation period was going to expire on 20-7-2009. After getting his written memorandum/request from the accused lecturer, Adeel Yasin of GPGC, Kohat, a notification vide No.SO(COLLEGES)/X-IV/2008 dated 2-4-2009 was issued under his signature vide which the earlier notification about the repatriation of Adeel Yasin, lecturer in English was modified and his name was withdrawn accordingly. Copy of the notification is, exhibit PW.4/13. Copy of the written request/application submitted by the accused lecturer, Adeel Yasin of GPGC, Kohat vide which he claimed his deputation period as 20-7-2009 is, exhibit PW.4/14. Similarly, copy of the notification vide which the earlier notification for repatriation was modified and the name of the accused lecturer, Adeel Yasin was withdrawn from the notification is, exhibit PW.4/15. Mr. Wajid Ali, Ex-Section Officer Secretariat Higher Education Department further confirmed that notification of even No. dated 3-8-2009 which was issued under his signature vide which Mr. Adeel Yasin, lecturer in English was adjusted in the Govt. Degree College, Lachi. Copy of the notification is, exhibit PW.4/16. Moreover, Mr. Wajid Ali, Ex-Section Officer Secretariat Higher Education further confirmed the contents of the letter No.SO(COLLEGES)/9-12/2010 dated 22-4-2010 regarding the extra ordinary leave to be granted to the lecturer, Adeel Yasin of GPGC, Kohat. The same letter was also issued under his signature. Copy of the letter is, exhibit PW.4/17. He further confirmed that the record maintained at the Directorate level revealed that the accused lecturer was not granted any leave by the provincial government.

21. When cross examined by the inquiry officer, Mr. Wajid Ali, Ex-Section Officer, Secretariat Higher Education Department confirmed that the name of the accused lecturer was withdrawn from the notification of the repatriation of the lecturers

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because he had submitted written application cum request for adjustment and taken a plea that his deputation was going to expire on 20-7-2009. He further confirmed that the Higher Education Department had assumed that the plea taken by the accused lecturer, Adeel Yasin may be correct. When further cross examined by the inquiry officer, Mr. Wajid Ali Ex-Section Officer Secretariat, Higher Education Department further confirmed that the role of the teacher must be like an honest professional and he is not supposed to indulge in any dishonesty, his role would be such that the same may be emulated by others, but this specific case, Mr. Adeel Yasin, lecturer in English not only concealed the true facts from the Higher Education Department rather he indulged in professional dishonesty. He further confirmed during the cross examination that as per saying of the Holy Prophet (Muhammad peace be upon him) that telling the truth by a Muslim will finally reward him while telling a lie will land him in trouble and ultimately lead to his destruction.

22 The accused lecturer, Adeel Yasin was serving abroad in violation of the provincial government Rules and Regulations as neither he had been allowed further deputation nor any extra ordinary leave after 2007, when he had completed five years deputation period abroad and the accused lecturer was deliberately not joining the Higher Education Department, therefore, the provincial government had to proceed against him under the law. Accordingly, proceedings had been initiated against the accused lecturer, Adeel Yasin by the provincial government. To probe this aspect of the case and to bring documentary proof on record, the inquiry officer summoned Bashir Ahmed, Ex-Section Officer of the Secretariat of Higher Education Department now posted as Section Officer in the Home and Tribal Affairs Department of Khyber Pakhtunkhwa and examined him on oath. Mr. Bashir Ahmed, Section Officer stated on oath that before his assignment as Section Officer in the Home and Tribal Affairs Department, he was working in the Higher Education Department as Section Officer. He confirmed the contents of the letter bearing No. SO(COLLEGES)-9-12/2010 dated 18-3-2011, which was issued under his signature vide which the Director Higher Education.

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was asked to prepare absence notice in respect of the accused lecturer, Adeel Yasin with further directions to be conveyed to the accused lecturer to join his duty within seven days positively. Copy of the letter is, exhibit PW.5/18. In response to the letter mentioned above, the Directorate of Higher Education accordingly submitted absence notice in respect of the accused lecturer, Adeel Yasin of GPGC, Kohat. Mr. Bashir Ahmed, Ex-Section Officer further confirmed the contents of the letter bearing No SO (COLLEGES)-IX-12/2011 dated 2-4-2011, which was also issued under his signature and vide which the Higher Education was asked to initiate disciplinary proceedings against the accused lecturer, Adeel Yasin. Copy of the letter is, exhibit PW.5/19. The disciplinary proceedings were in progress against the accused lecturer, Adeel Yasin, when he submitted his arrival cum request for adjustment on 12-5-2011. Mr. Bashir, Ahmed, Ex-Section Officer also confirmed the contents of the letter of even No. dated 20-5-2011 which was also issued under his signature. Vide this letter, the personal file of the accused lecturer was requisitioned by the Higher Education Department. Copy of the letter is, exhibit PW.5/20.

After adjustment of the accused lecturer in Govt. Degree College, Lachi on 21-7-2009, the accused lecturer had applied for 180 days extra ordinary leave and later on he had applied for enhanced period of one year. To probe this aspect of the case, Mr. Shakeel Ahmed, Admn Officer Directorate of Higher Education, Peshawar was summoned by the inquiry officer and examined him on oath. Mr. Shakeel Ahmed confirmed the contents of the letter bearing No.27375 dated 19-11-2009 addressed to the Principal, Govt Degree College, Lachi, Kohat district alongwith the leave admissibility report obtained from the Account Officer, Kohat by the accused lecturer, Adeel Yasin requesting for 180 days extra ordinary leave. Vide letter mentioned above, the Principal, GDC, Lachi District Kohat was informed by the Directorate of Higher Education, that the request of the accused lecturer, Adeel Yasin for 180 days extra ordinary leave was rejected by the provincial government with further directions to the Principal of Govt Degree College, Lachi to ask the accused lecturer, Adeel Yasin to

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assume duty immediately otherwise disciplinary proceedings against the accused lecturer, Adeel Yasin will accordingly be initiated by the provincial government. Copy of the letter issued under the signature of Admn Officer alongwith the leave admissibility report put forward by the Principal of Govt. Degree College, Lachi in respect of accused lecturer are, exhibit PW.6/21 and PW.6/22 respectively.

24. Since, the accused lecturer, Adeel Yasin was absent from duty since 2007 to 2009, therefore, after joining the Higher Education Department once again on 21-7-2009, the accused lecturer had to regularize his broken period and he submitted an application for regularization of the broken period directly to the Directorate of Higher Education. Since, the accused lecturer had bypassed the proper channel, therefore, later on the accused lecturer submitted his request to the Principal, Govt. Post Graduate College, Kohat. The Principal GPGC Kohat vide letter No.949 dated 13-11-2012 forwarded written application of the accused lecturer for the adjustment of the broken period w.e.f 16-10-2006 to 20-7-2009 by the provincial government. To probe this aspect also, the inquiry officer summoned Syed Tahir Shah, Ex-Deputy Director of the Directorate of Higher Education Department and examined him on oath. Mr. Tahir Shah stated on oath that he had processed the request of the accused lecturer and he had written letters bearing No.3943 dated 18-2-2013 and letter No.9586 dated 2-5-2013 to the Section Officer (Colleges) for the adjustment of the broken period of the accused lecturer, Adeel Yasin as per policy and rules. Both the letters were correctly bearing his signature. Copies of the letters are, exhibit PW.7/23 and PW.7/24 respectively.

25. After turning down of the request of the accused lecturer, Adeel Yasin for 180 days extra ordinary leave by the provincial government, the accused lecturer, Adeel Yasin, who had already left for Saudi Arabia and serving in the Education Ministry in Kingdom of Saudi Arabia and asking him to join the Higher Education Department immediately failing which disciplinary proceedings were going to be initiated against him, the accused lecturer once again did not heed to the directions of the provincial government rather he submitted an other application for one year more extra ordinary

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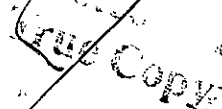
leave w.e.f 1-10-2009 to 30-10-2009. To probe this aspect of the case, the inquiry officer summoned Abdur Rashid Inspector, Physical Education, Directorate of Higher Education Department, Peshawar and examined him on oath. Mr. Abdur Rashid, Inspector, Physical Education, Directorate of Higher Education stated on oath that he has seen letter bearing No.14998 dated 6-5-2010 issued by his predecessor in office Mr. Malik Asif. Vide letter bearing No. mentioned above, his predecessor in office asked the Principal, Govt. Degree College, Lachi to provide leave admissibility report of the accused lecturer, Adeel Yasin. Mr. Abdur Rashid correctly identified the signature of his predecessor in office. Copy of the letter is, exhibit PW.8/25. Mr. Abdur Rashid Inspector further stated that his predecessor also issued reminder bearing No.16634 dated 26-5-2010 vide which once again the Principal of GDC, Lachi was asked to submit leave admissibility report in respect of the accused lecturer, Adeel Yasin. The contents of the letter issued by his predecessor were correct and correctly issued under his signature. Copy of the letter is, exhibit PW.8/26. Mr. Abdur Rashid also confirmed that contents of the second reminder bearing No.19715 dated 23-6-2010 issued by his predecessor in office asking the Principal, GDC, Lachi once again to submit leave admissibility report in respect of Adeel Yasin, lecturer in English. The letter issued by his predecessor in office correctly bears the signature of his predecessor in office. Copy of the letter/second reminder No.19715 dated 23-6-2010 is, exhibit PW.8/27.

26. Since, the accused lecturer, Adeel Yasin was adjusted in Govt. postgraduate College, Kohat by the provincial government vide Notification No. SO(COLLEGES)-HED/IX-12/2010 dated 8-8-2011 after submission of his arrival and disciplinary proceedings, which had already been initiated by the provincial government against the accused lecturer, Adeel Yasin, therefore, this aspect of the case was also required to be properly investigated by the inquiry officer. To reach a definite conclusion about this aspect of the case, the inquiry officer summoned Ex-Section Officer (Colleges), Sher Akbar, Secretariat of Higher Education Department now Section Officer Home Department and examined him on oath. Mr. Sher Akbar stated on oath

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That the provincial government had correctly issued notification No.SO(Colleges)-HED/IX-12/2010 dated 8-8-2011 regarding the adjustment/posting of the accused lecturer, Adeel Yasin of GPGC, Kohat. The notification was correctly issued under his signature. Copy of the notification is, exhibit PW.9/28. Mr. Sher Akbar, ex-Section Officer further stated that before the adjustment of accused lecturer, Adeel Yasin in the GPGC, Kohat, the provincial government had initiated disciplinary proceedings against Adeel Yasin, lecturer in English and various correspondences between the Establishment and Administration Deptt. Khbyer Pakhtunkhwa and the office of the Chief Secretary Khyber Pakhtunkhwa were continuing so as to reach a definite conclusion about the absence of the accused lecturer from his duty. There was also discrepancy between the dates mentioned in the statement of allegations and charge sheet prepared against the accused lecturer by the Directorate of Higher Education Department, therefore, to rectify the situation, as well as getting true picture about the absence period alongwith the deputation period allowed to the accused lecturer, Adeel Yasin and to comply with the directions of the Establishment and Administration department, Khyber Pakhtunkhwa, the Secretary Higher Education accordingly issued directions for getting true picture about the absence as well as deputation periods of the accused lecturer, Adeel Yasin. For getting this true picture from the Directorate of Higher Education, he had issued letter bearing No.SO(COLLEGES-IX)-12/2011 dated 8-8-2011 addressed to the Director Higher Education, the contents of which regarding the clarification of deputation period etc were very much clear for reaching the depth of the matter as well as getting clear picture about the leave granted to the accused lecturer and the absence period of the accused lecturer from his duty. He also attached copy of the note for Chief Secretary (three pages) alongwith the observation raised by the Establishment and Administration Department, Khyber Pakhtunkhwa. The statement of allegations and charge sheet two pages were also attached with the letter. The contents of the letter issued by the Ex-Section Officer were correct and the letter was correctly issued under his signature. Copy of the letter is, exhibit PW.9/29 alongwith five pages enclosures as mentioned



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above. As a followup action, he issued reminder bearing No.SO(Colleges)/IX-12/2011 dated 20-8-2011 and reminder even No.dated 12-10-2011 addressed to the Director Higher Education for getting proper clarification regarding the accused lecturer's deputation period alongwith absence report in respect of the accused lecturer, Adeel Yasin from his duty. Copies of the reminders are, exhibit PW.9/30 and PW.9/31 respectively. In the cross examination by the inquiry officer, the Ex-Section Officer confirmed that after his transfer from the Education Department, he knows nothing about the case of the accused lecturer, Adeel Yasin.

27 Mr.Ghulam Ali, Ex-Deputy Director, Directorate of Higher Education now Deputy Secretary law and Justice Division, Islamabad, was also summoned by the inquiry officer and examined on oath. Mr.Ghulam Ali, Ex-Deputy Director, Directorate of Higher Education stated that before his present assignment, he was posted as Deputy Director in Directorate of Higher Education Department, Khyber Pakhtunkhwa. He had seen letter No.30373 dated 29-11-2011 addressed to the Section Officer(Colleges). The sequence of the letter was regarding the clarification of the deputation period of the accused lecturer, Adeel Yasin, who was posted in GPGC, Parachinar, Kurram Agency and later on allowed deputation to serve in the Education Ministry of Saudi Arabia. The main thrust of the clarification was that the accused lecturer was granted extension by the provincial govt upto 31-7-2007 and no further extension, whatsoever, was granted to the accused lecturer, Adeel Yasin either by the provincial government or by the Directorate of Education FATA. Moreover, the accused lecturer, Adeel Yasin was adjusted in the Govt.Degree College, Lachi, Kohat district. After returning from Saudi Arabia and he had once again applied for 180 days extra ordinary leave without pay, which was not acceded to by the Directorate of Higher Education due to the shortage of teachers. The contents of the letter issued under his signature are/were correct. Copy of the letter is, exhibit PW.10/32. He further confirmed in his statement on oath that letter bearing No.3029 dated 3-2-2012 was also issued under his signature which was addressed to the Section Officer(Colleges). Vide this covering letter, he had attached

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fresh statement of allegations alongwith the charge sheet to the Higher Education Department in respect of lecturer, Adeel Yasin of GPGC, Kohat. The contents of the letter were correct. Copy of the letter is, exhibit PW.10/33.

28 Mr.Ghulam Ali, Ex-Deputy Director Directorate of Higher Education further confirmed that letter bearing No.13637 dated 20-6-2012 addressed to the Section Officer(Colleges-II) of the Higher Education Department, Khyber Pakhtunkhwa was also issued under his signature. Through this letter certain queries raised by the Higher Education Department were properly answered. The brief gist of those queries is that the accused lecturer before allowing by Directorate of Education, FATA, was serving in the Govt.College, Parachinar as lecturer. The Directorate of Education FATA allowed the accused lecturer on deputation from time to time and the last notification according to the record maintained at the level of Director Higher Education was allowed to the accused lecturer from 2006 to 2007 i.e 31-7-2007 (one year). No further deputation was allowed to the accused lecturer as the record of the Higher Education was silent in this respect. The accused lecturer remained at the strength of Education Directorate FATA w.e.f 10-9-1998 to 20-7-2009 and later on he was adjusted in Govt.Degree College, Kohat. After adjustment at GDC, Lachi, the accused lecturer applied for 180 days leave without pay, but his request was turned down by the Directorate of Higher Education. Later on, the accused lecturer again submitted his arrival/adjustment report to the Secretariat of Higher Education department and was adjusted in the GPGC, Kohat w.e.f 12-5-2011. The discrepancy in the statement of allegations and charge sheet was accordingly corrected and resubmitted to the Higher Education Department, Khyber Pakhtunkhwa. The contents of the letter are/were correct and the letter was correctly signed by him. Copy of the letter is, exhibit PW.10/34. The statement of allegations alongwith the charge sheet (two pages) were also attached with the letter as desired by the Higher Education Department. Mr.Ghulam Ali also confirmed the contents of the letter bearing No 25755 dated 19-11-2012 addressed to the Principal, GPGC, Kohat seeking detail comments from the Govt.Degree College, Lachi and GPGC, Kohat

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regarding the adjustment of the accused lecturer, Adeel Yasin with further directions to the Principal to ask the accused lecturer to maintain proper decorum. The contents of the letter are/were correct. Copy of the letter is, exhibit PW.10/35.

29 To check the ground reality about the accused lecturer, Adeel Yasin as to whether he had actually assumed the charge as lecturer in the Govt.College, Lachi, Kohat District on 21-7-2009 after his adjustment in the Govt.Degree College, Lachi Kohat district and to know about the actual position about his conduct, the inquiry officer visited Govt.Degree College, Lachi on 18th Sept, 2013. The inquiry officer not only examined, Mr.Abdul Qadeer, Principal, Govt.Degree College, Lachi on oath, but also made hectic efforts to get documentary proof about the joining of the accused lecturer of the GDC, Lachi as well as performing of his duty till 30th Sept, 2009 (two months and eleven days). To the utter surprise of the inquiry officer, no such documentary proof of the accused lecturer joining the college and performance of his duty in the GDC Lachi, Kohat district, was found. This fact was confirmed by the Principal, Mr.Abdul Qadeer and the staff members including the clerical staff and class-4 servants serving in the College.

30. Mr.Abdul Qadeer, Principal, GDC Lachi, Kohat district was examined on oath. Mr.Abdul Qadeer Principal, Govt.Degree College, Lachi stated on oath that he had replaced Mr.Mohabat Khan, Principal in Govt.Degree College, Lachi and since 25-5-2012, he is on duty in GDC, Lachi district Kohat. Regarding, Mr.Adeel Yasin lecturer, in English, Mr.Abdul Qadeer, Principal stated that the accused lecturer might have joined the College on 21-7-2009 and would have served till 30th Sept,2009, but no such documentary proof, whatsoever, is available on the record of GDC, Lachi, district Kohat. He further stated on oath that the accused lecturer might have also applied for 180 days extra ordinary leave without pay through proper channel and Mr.Mohabat Khan, Principal also might have forwarded the leave request of the accused lecturer, but no such documentation could be found on the record of GDC, Lachi. He further confirmed that no such record like documents regarding the assumption of charge of the accused

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lecture like his assumption charge on 21-7-2009, his personal file etc are available on the record of the GDC, Lachi, district Kohat. He further stated that his predecessor in office, Mr. Mohabat Khan, Principal would be in better position to explain the true position about the accused lecturer, Adeel Yasin.

31. When cross examined by the inquiry Officer, the Principal admitted it correct that he had confirmed from Sher Afzal, Assistant Professor, BPS-18, who was still serving in GDC, Lachi, district Kohat and an old Professor in this college since, 2007 that Adeel Yasin, lecturer in English had not been seen in the GDC, Lachi neither he had taught in the college till 30th Sept, 2009 inspite of the fact that the services of the lecturer in English were direly needed by the College. The inquiry officer made on the spot inquiry from the local staff like class-4 servants as well as clerical staff about the accused lecturer, Adeel Yasin and all of them confirmed that the accused lecturer had absolutely not joined the college.

32. To get clear picture about the accused lecturer as to whether the accused lecturer, Adeel Yasin had actually joined the govt. college, lachi after his adjustment by the provincial government vide Notification SO(C)/X-4/08 dated 3-8-2009, the inquiry officer deem it appropriate to examine Mr. Mohabat Khan Khattak, the ex-Principal of GDC, Lachi now sitting Principal, GDC, Gumbat, Kohat district on oath. Mr. Mohabat Khan Khattak stated on oath that before his present assignment as Principal in GDC, Gumbat, he had served as Principal in GDC, Lachi, Kohat district. The provincial government had adjusted Adeel Yasin, lecturer in English in GDC Lachi and he had taken over charge w.e.f 21-7-2009. The college was closed for summer vacation. He further stated on oath that the accused lecturer had also submitted an application for 180 days leave without pay which was duly forwarded to the Director Higher Education Govt. of Khyber Pakhtunkhwa. Mr. Mohabat Khan, Principal also confirmed the signature on the application and his recommendations thereon. Copy of the application submitted by the accused lecturer, Adeel Yasin alongwith the recommendations of the Principal thereon is, exhibit PW. 12/36. He also confirmed the contents of the letter No.953 dated

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7-7-2010 alongwith the leave admissibility report for 365 days obtained from the District Account Officer, Kohat in respect of accused lecturer, Adeel Yasin, which was addressed by the accused lecturer to the Director Higher Education and duly forwarded by him to the Director Higher Education. Copy of the letter alongwith the leave admissibility report is, exhibit PW.12/37. When cross examined by the inquiry officer, Mr.Mohabat Khan Khattak confirmed that he remained Principal of GDC Lachi Kohat district till 28-2-2011 and later on he was transferred to GDC, Gumbat, Kohat district.

33. When further examined by the inquiry officer regarding the conduct of the accused lecturer, Adeel Yasin, Mr.Mohabat Khan Khattak admitted it correct that the accused lecturer conduct was such that he was not interested to serve in Pakistan because of the hefty salary/remuneration getting by him abroad. He further admitted it correct that the record of the accused lecturer in the GDC Lachi may not be available because of the inefficiency of the clerical staff.

34. To further confirm the conduct of the accused lecturer, Adeel Yasin and to bring more documentation on the record, Mr.Sardar Hussain, Ex-Deputy Director Directorate of Higher Education now Associate Professor in GDC, Yar Hussain, was also summoned by the inquiry officer and examined him on oath.

35. Mr.Sardar Hussain, Ex-Deputy Director stated on oath that before his present assignment as Associate Professor in GDC, Yar Hussain, he was posted as Deputy Director in the Directorate of Higher Education Department, Khyber Pakhtunkhwa. He confirmed the contents of the letter No.16991 dated 1-8-2009 regarding the arrival cum adjustment report of the accused lecturer, Adeel Yasin of GPGC, Kohat. The same report was sent to Section Officer(Colleges) for adjustment of the accused lecturer in GDC, Lachi with copies endorsed to Director Education FATA and Section Officer(FATA). The contents of letter are/were correct and letter was correctly signed by him. Copy of the letter alongwith the arrival cum adjustment request

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of the accused lecturer, Adeel Yasin is, exhibit PW.13/38. Mr.Sardar Hussain further confirmed the contents of letter No.19857 dated 1-9-2009 vide which the written request of the accused lecturer duly recommended by the Principal, GDC, Lachi, Kohat district for adjustment of the broken period of 2007-08 (one year). The contents of the letter are/were correct and correctly bore his signature. Copy of the letter is, exhibit PW.13/39. Moreover, Mr.Sardar Hussain, Ex-Deputy Director Directorate of Higher Education also confirmed the contents of the letter bearing No.5192 dated 25-1-2010 issued under his signature whereby the request of the accused lecturer for 180 days leave was not acceded to by the provincial government with further directions to the accused lecturer to immediately join his duty failing which disciplinary proceedings against him will be accordingly initiated under removal from service (Special Power Ordinance, 2000). The letter was directly sent to the accused lecturer on his home address to the accused lecturer while copies thereof were endorsed to the Principal, GDC, Lachi, Kohat District, Section Officer(Colleges) Higher Education Secretariat, Khyber Pakhtunkhwa and Section Officer Education Directorate FATA. Copy of the letter is, exhibit 13/40. Similarly, the Ex-Deputy Director also confirmed the contents of the letter bearing No.10449 dated 11-3-2010 vide which the request of the accused lecturer, Adeel Yasin for grant of one year leave without pay was forwarded to the Section Officer Colleges, Higher Education Department, Khyber Pakhtunkhwa. The entire situation about availing of the leave availed by the accused lecturer, his service abroad on deputation, his adjustment in GDC, Lachi, Kohat District and turning down his request for 180 days extra ordinary leave without pay was elaborately explained to the quarter concerned. The written request of the accused lecturer alongwith the three pages enclosures was sent to the quarter concerned. Copy of the letter is, exhibit PW.13/41.

36 Besides the above, Ex-Deputy Director, Sardar Hussain of Directorate of the Higher Education confirmed the contents of the letter bearing No.22173 dated 27-7-2010, which was addressed to the Section Officer Colleges and copy thereof was endorsed to the Principal GDC, Lachi with reference to his letter No.953 dated 7-7-2010

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issued under his signature. Vide this letter, the request of the accused lecturer for 365 days leave was forwarded to the Secretariat of Higher Education. Copy of the letter is, exhibit PW.13/42. Mr.Sardar Hussain, Ex-Deputy Director Directorate of Higher Education further confirmed that contents of the letter bearing No.25774 dated 20-9-2010 addressed to Section Officer Colleges, was issued under his signature. Vide this letter, the Section Officer Higher Education was informed that the accused lecturer was posted for the first time in the GDC Parachinar, Kurram Agency on 10-9-1998. Copy of the same letter was also endorsed vide endorsement No.25775 of the even date asking the Director Education, FATA to explain the true position of the accused lecturer, Adeel Yasin regarding the leave availed by the accused lecturer or otherwise. Copy of letter is, exhibit PW.13/43. The Ex-Deputy Director further explained that as a follow up action, he issued reminder bearing No.27244 dated 4-10-2010 once again asking the Director FATA to explain true position of the leave availed by the accused lecturer while copy of the same letter was endorsed to the Section Officer Colleges, Higher Education with endorsement No.27245 of even date. Copy of the letter mentioned above is, exhibit PW.13/44. Similarly, a second reminder was also issued to the Director Education, FATA vide letter No.31833 dated 24-11-2010 once again asking him to explain the true position of the leave availed by the accused lecturer, Adeel Yasin. The letter was correctly signed by him. Copy of the letter is, exhibit PW.13/45. Letter bearing No.4323 dated 18-2-2011 addressed to the Section Officer Colleges was also signed by him. Vide this letter the Section Officer Colleges was asked about the one year leave of the accused lecturer duly forwarded to the Secretariat of Higher Education, Khyber Pakhtunkhwa for sanctioning and the decision of the competent authority was still awaited. Copies of the letter were endorsed to Director Education, FATA and Principal, GDC, Lachi with endt. No.4324-25 of even date. Copy of the letter is, exhibit PW.13/46. Similarly, vide letter bearing No.6939 dated 12-3-2011 addressed to the Section Officer, Colleges regarding the extra ordinary leave of the accused lecturer, was also forwarded to the Section Officer alongwith the enclosures received from Assistant

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Director(Establishment), Directorate of Education, FATA and Section Officer Colleges, FATA for further necessary action. Copies of the letter were also endorsed to the Assistant Director, FATA and Principal, GDC, Lachi, Kohat District. Copy of letter is, exhibit PW.13/47. Letter bearing No.10080 dated 7-4-2011 was also issued under his signature. Vide this letter, absence notice in respect of the accused lecturer was duly forwarded to the Section Officer Higher Education Department for approval. Copy of the letter is, exhibit PW.13/48. Letter bearing No.1470 dated 30-5-2011 was also signed by him correctly vide which charge sheet alongwith the statement of allegations against the accused lecturer, Adeel Yasin were forwarded to Higher Education Department as asked for by the Secretary Higher Education Department. Copies of the letter alongwith two pages charge sheet and statement of allegation are, exhibit PW.13/49. Vide letter No.14344 dated 1-6-2011, personal file of the accused lecturer was also sent to the Section Officer Higher Education Department as desired by him. Copy of the letter is, PW.13/50. The letter was correctly issued under his signature. The letter bearing No.17141 dated 4-7-2011 vide which Section Officer was informed about the vacancy in the subject of English in the Government Post Graduate, College, Kohat with further request to adjust the accused lecturer in the said college was also issued under his signature. Copy of the letter is, exhibit PW.13/51.

37 Mr.Habib-urRehman, Section Officer Colleges, Higher Education Department, Khyber Pakhtunkwa was summoned by the inquiry officer and examined him as PW.14. He stated on oath that after the approval of the summary by the competent authority for initiating disciplinary proceedings against Adeel Yasin, Lecturer in English of GPGC, Kohat, he had forwarded statement of allegations alongwith the charge sheet against the accused lecturer to the Provincial Census Commissioner/Inquiry officer vide letter bearing No.SO(Colleges-II)/HED-12-9/2012/1668-70 dated 26-8-2013. The letter was correctly signed by him. Copy of the letter alongwith the statement of allegations and charge sheet (three pages) are, exhibit PW.14/52.

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38 When cross examined by the inquiry officer, he admitted it correct that no documentation, whatsoever, about the arrival report of the accused lecturer, Adeel Yasin in GDC, Lachi, Kohat district and his charge assumption report etc could be found on the record maintained at the Secretariat level after his adjustment by the provincial government vide notification No.SO(C)/S-4/08 dated 3-3-2009. He further admitted it correct that the documentation mentioned above is also not available on the record of Director of Higher Education, so it may be safely assumed that the accused lecturer Adeel Yasin did not attend the GDC, Lachi, nor performed his duty as a lecturer after his adjustment in GDC Lachi, Kohat district.

39 When further cross examined by the inquiry officer, Mr.Habib-ur-Rehman Section Officer, admitted it correct that the last notification issued vide No.SO(FATA)/Edu/A-9/2002(Vol-III) dated 31-1-2007, was available at the Secretariat file whereby the last deputation was allowed to the accused lecturer, Adeel Yasin for one year and after that no extension, whatsoever, had been granted to the Adeel Yasin and he was bound to join his duty in the Higher Education Department as per their record.

40 Mr.Habib-ur-Rehman Section Officer, Higher Education further admitted it correct that the Higher Education Department issued Notification No.SO(Colleges)-X-IV/2008 dated 2-3-2009 for repatriation of the accused lecturer, Adeel Yasin alongwith others, but later on corrigendum was issued vide even No.dated 2-4-2009 whereby the name of Adeel Yasin lecturer placed at S.No.3 of the said corrigendum, was withdrawn by the Higher Education Department. Copies of the repatriation notification alongwith corrigendum issued by the Higher Education Department are, exhibit PW:14/53 and PW:14/54 respectively.

41 When further cross examined, the Section Officer Higher Education Department admitted it correct that the corrigendum mentioned above whereby the name of Adeel Yasin was withdrawn, was absolutely issued wrongly by the Higher

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Education Department as the deputation period of the lecturer, Adeel Yasin had already been expired in 2007 and no documents, whatsoever, are/were available in the Secretariat file and somebody sitting in the Secretariat of Higher Education Department, might have been hand in glove with the accused lecturer, Adeel Yasin by showing him favour as well as wrongly protected him.

42 To know about the conduct of the accused lecturer, Adeel Yasin, who was for the first time posted at GDC Parachinar, Kurram Agency in 1998, the inquiry officer went all the way to Parachinar to examine the record of the government college, Parachinar as well as to enquire about the conduct of the accused lecturer on the spot.

43 The inquiry officer not only examined the record of the govt. College, Parachinar, but also recorded the statement of Mr. Ghadir Hussain, the acting Principal of GPGC, Parachinar on oath. Mr. Ghadir Hussain stated on oath that after his transfer to Govt. College, Parachinar in 1987, he was performing his duty at Govt. College, Parachinar in different capacities. At the moment, he was Associate Professor in (BPS-19). As for as, Mr. Adeel Yasin, lecturer in English was concerned, he joined the Govt. College, Parachinar after his initial appointment by the provincial government on 15-9-1998 and remained in the college till 29-8-2002. The total period served by him as a lecturer in Govt. College, Parachinar was three years and eleven months. He was relieved from his duty on 29-8-2002 (A.N). Copy of the relieving chit is, exhibit PW.15/55. The last deputation allowed to the accused lecturer, Adeel Yasin by the Government was vide Notification SO(FATA)/Edu/1-IX/2002(Vol-III) dated 31-1-2007 and after that the accused lecturer had to join duty at GDC, Parachinar, however, Mr. Adeel Yasin lecturer in English once again tried his luck by submitting/sending an application for extension in deputation. The application was submitted/sent to the then Principal, Mr. Ghulam Abbass, GDC, Parachinar. Copy of the application is, exhibit PW.15/56. Vide covering letter No.4845 date 17-7-2007, his application was submitted by then Principal to the Director Higher Education for further

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extension, but the application was rejected there and then. The covering letter mentioned above is, exhibit PW.15/57. The letter was correctly issued by the then Principal, Mr.Ghulam Abbass.

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44 In response to letter No.4847 dated 17-7-2007, the then Principal, Ghulam Abbas received the letter No.1158 dated 28-1-2008 vide which he was given directions by Director Education, FATA to inform/ask Mr.Adeel Yasin, lecturer in English to join his duty in GDC, Parachinar as no more extension in deputation period could be allowed to the accused lecturer. Copy of the letter received by Mr.Ghulam Abbass, the then Principal of GDC, Parachinar is, exhibit PW.15/58. The directive of Director Higher Education, FATA was verbally conveyed to Mr.Adeel Yasin through Mr.Sohail Ahmed, lecturer in Statistics of Kohat district, who was serving in GDC, Parachinar in those days. The accused lecturer, Adeel Yasin had received the message, but he did not join his duty in GDC, Parachinar, Kurram Agency.

45 When cross examined by the inquiry officer, Mr.Ghadir Hussain stated that after posting of Adeel Yasin, lecturer in GDC, Parachinar, Mr.Adeel Yasin, lecturer in English was not only active, but also punctual in his duty. When further cross examined by the inquiry officer, Mr.Ghadir Hussain, acting Principal, GDC, Parachinar admitted it correct that after the relieving of Mr.Adeel Yasin from his college in 2002 and joining the Education Ministry of Kingdom of Saudi Arabia for almost five years on deputation, when the provincial government/Directorate of Education FATA called him back/repatriated him to join his duty, the accused lecturer willfully did not join his duty at GDC, Parachinar and blatantly defied the govt.orders in spite of fact that the government had not only shown him favour rather he was facilitated also. He had full knowledge about his repatriation, but he did not join his duty, which did not behoove a responsible servant of government. When further cross examined, he admitted it correct that the teaching profession is the most noblest one and the conduct of the teacher should be such that the same be emulated by others. There is Hadith of holy Prohphet (Muhammad Peace be upon) that I have been sent as Moalim so the conduct and

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character of the teachers should be above board, impeccable as well as unblemished, but unfortunately the situation has gone for the worst which requires thorough overhauling of the department of education so that it should be cleansed from such like black sheep.

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BRIEF CHRONOLOGY OF THE CASE

The inquiry officer examined the conduct of the accused lecturer Adeel Yasin, recorded the evidence of the relevant prosecution witnesses, brought the documentary materials on the record and visited different Colleges, where the accused lecturer had served. The inquiry officer has come to the following conclusion. Accordingly, the brief chronology of the case is given below:-

1. After getting post graduate degree from the Gomal University in the subject of English in 1995, the accused lecturer was recruited by the provincial Public Service Commission in 1998.
2. Formal notification about the posting of the accused lecturer was issued by the government vide Notification No SO(C)/II-1998-V dated 10-9-1998.
3. The accused lecturer, Adeel Yasin assumed the charge in the Govt. Degree College, Parachinar, Kurram Agency on 15-9-1998.
4. The accused lecturer served w.e.f 15-9-1998 till 29-8-2002. (total period three years eleven months) in the Govt. Degree College, Parachinar, Kurram Agency.
5. In the afternoon of 29-8-2002, the accused lecturer, Adeel Yasin was relieved from the College as he had been selected by the Overseas Employment Corporation, Islamabad to serve in the Education Ministry of Saudi Arabia.
6. The Establishment and Administration Department, NWFP now Khyber Pakhtunkhwa had issued No Objection Certificate (NOC) vide letter No-SOR-1(E&AD)/3-72/75(Vol-III) dated 12-7-2002 in respect of Adeel Yasin lecturer in English thus allowing him to go abroad on deputation.

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16. The provincial government allowed extension for the fourth time in deputation in favour of Adeel Yasin, lecturer in English and proper notification to that effect was issued vide No.SO(FATA//Edu-1-9/2002(Vol-III) dated 15-10-2005.
17. Mr. Adeel Yasin, the accused lecturer had served for almost four years in Education Ministry of Saudi Arabia, when the provincial government was further pleased to issue the last notification vide No SO(FATA//Edu-1-9/2002(Vol-III) dated 31-1-2007 thus allowing the accused lecturer for the fifth time on deputation. The deputation period was upto 3-8-2007 and the accused lecturer had to definitely join the Education Department, Khyber Pakhtunkhwa on 9-8-2007.
18. The accused lecturer once again tried his luck to submit an application through the then Principal, Ghulam Abbass of Govt. Degree College, Parachinar, Kurram Agency requesting for further extension in deputation for one year.
19. Mr. Ghulam Abbass, the then Principal had forwarded the application of the accused lecturer, Adeel Yasin to the Director Education, FATA vide letter No.847 dated 17-7-2007. In response, the Directorate of Education, FATA had informed the then Principal, Ghulam Abbas of Govt. Degree College, Parachinar, vide letter Memo. No.1128 dated 23-1-2008 that the request of the accused lecturer for further extension could not be honored by the government and the accused lecturer, Adeel Yasin was further given directions to join his duty at Government College, Parachinar, Kurram Agency immediately, but the accused lecturer did not join his duty in the Govt. Degree College, Parachinar, Kurram Agency.
20. It is clear from the statement of the accused lecturer recorded by the inquiry officer on oath that after enjoying deputation period for five years and serving in Saudi Arabia as a lecturer, he was barred to deposit further pension

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contribution. but the accused lecturer continued his services in Saudi Arabia in violation of government Rules and Regulations in spite of facts that he had no legal cover/mandate to continue his service in the Education Ministry of Saudi Arabia.

21. When the provincial government issued repatriation notification vide No.SO(COLLEGES)/X-IV/2008 dated 2nd March, 2009 of Adeel Yasin, lecturer of Post Graduate College, Parachinar, Kurram Agency alongwith other lecturers and Professors serving in Saudi Arabia, Adeel Yasin, lecturer in English did not respond positively rather he claimed that his deputation period had not yet been expired and the same was going to be expired on 20-7-2009 and even he did submit written request/memorandum to the Higher Education Department to the effect that his deputation period was still intact thus not only concealing the true facts from the Higher Education Department rather indulging the lying as well as cheating the provincial government. After submission of written request by the Adeel Yasin, lecturer in English, the provincial govt. was constrained to issue modified notification vide No. No.SO(COLLEGES)/X-IV/2008 dated 2-4-2009 whereby the name of Adeel Yasin, lecturer in English was withdrawn from the repatriation notification.

22. Adeel Yasin, lecturer in English came to Pakistan on 21st July, 2009 and submitted his arrival report cum adjustment in the GPGC, Kohat to the Higher Education Department, Khyber Pakhtunkhwa. The Higher Education Department accordingly issued notification vide No.SO(C)/IX-IV/08 dated 3-8-2009 and adjusted the accused lecturer, Adeel Yasin in GDC, Lachi, Kohat district

23. No doubt, the accused lecturer claimed that he took over charge in the GDC, Lachi as lecturer w.e.f 21-7-2009, from the date when he was adjusted by the provincial government in the GDC, Lachi and served upto 30th September, 2009 (two months and ten days); but the accused lecturer has absolutely told ~~is, as neither he served in the GDC, Lachi as a lecturer nor assumed the~~

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charge there after his adjustment in the said college as the inquiry officer himself went to the Govt. Degree College to obtain documentary proof about the assumption of charge of the accused lecturer in the GDC, Lachi, his personal file, if any, and even the pay bill from the College, but no such documentation, whatsoever, could be found on the record of the College in this respect

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24. The incumbent Principal of the GDC, Lachi and the Assistant Professor, Sher Afzal (BPS-18) of the same college, the clerical staff serving in the College and even the class-4 servants further corroborated that the accused lecturer did not join the GDC, Lachi on 21-7-2009, when he was adjusted in the GDC, Lachi. This shows that the accused lecturer remained absent from government duty, throughout the w.e.f 9-8-2007 till 30th September, 2009.

25. The accused lecturer, Adeel Yasin submitted an application through the then Principal, Mr. Mohabat Khan to the Director Higher Education from 1-10-2009 requesting for 180 days leave and immediately left for Saudi Arabia to join the Education Ministry without waiting for approval or dis-approval of his 180 leave.

26. The request of 180 days leave did turn down by the Higher Education Department and the accused lecturer was given directions through the Principal Govt. Degree College, Lachi to immediately join the Higher Education Department, failing which the disciplinary proceedings against Adeel Yasin, lecturer will be initiated.

27. After the receipt of information by the accused lecturer to the effect that his request for 180 days leave was rejected by the provincial government, yet he submitted an other application dated 2-2-2010 directly to the Director Higher Education requesting him leave without pay for one year by taking the plea in his application that his wife was under treatment in Saudi Arabia and required constant attention.

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28. The request of one year leave without pay was also rejected by the provincial government. The accused lecturer remained in Saudi Arabia without any sanctioned leave from 10-2-2009 till 11-5-2011 (a total period of one year seven months and eleven days).

29. The provincial govt. had already initiated disciplinary proceedings against Adeel Yasin, lecturer in English and when he got this information, he immediately rushed back to Pakistan and submitted his arrival report on 12-5-2011 and the provincial government adjusted him in the Govt. Postgraduate College, Kohat by issuing notification No SO(COLLEGES)/HED/IX-12/2010 dated 8-8-2011.

30. The disciplinary proceedings against the accused lecturer was under process by Director Higher Education and various correspondences between the Directorate of Education and Secretariat of Higher Education about the framing of charge sheet alongwith the statement of allegations were continuing. When one goes through the record of Higher Education alongwith the Secretariat of Higher Education, it gives clear picture that how the dealing hands in both the Directorate and Secretariat Higher Education department were so inefficient, indolent and so sluggish in their job that the file of the accused lecturer were so many time shuttled between the Higher Education Department and the Establishment Department, Khyber Pakhtunkhwa for correcting various dates in the statement of allegations as well as charge sheet and finally, the Chief Secretary Khyber Pakhtunkhwa was constrained to issue separate inquiry against the official responsible in the Higher Education Department for delay of more than one year about the proceedings to have been initiated against the accused lecturer, Adeel Yasin as well as fixing responsibility against the responsible officials. This in-efficiency on the part of Higher Education Department, Khyber Pakhtunkhwa clearly speaks about the taking of toll of precious time of the government as well as resources.

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31. The provincial government finally appointed the Provincial Census Commissioner, Khyber Pakhtunkhwa/FATA/Head of Pakistan Bureau of Statistics vide Notification No. SC(COLLEGES-II)HED/12-9/2012/1668-70 dated 26-3-2013 for conducting inquiry against the accused lecturer, Mr. Adeel Yasin.

32. The inquiry against the accused lecturer, Adeel Yasin was accordingly initiated by the Provincial Census Commissioner/Inquiry Officer.

33. The accused lecturer submitted his written reply on 5th September, 2013 to the inquiry officer and also requested to be personally heard.

34. The reply submitted by the accused lecturer on 5th Sept, 2013, was totally ambiguous, absolutely devoid of facts/substance, fractured, where facts were totally twisted and the accused lecturer had avoided straight reply to the statement of allegations as well as charge sheet.

35. To clear the dust, ambiguity and getting to the bottom of the facts/true picture regarding allegations as well as charge sheet leveled by the provincial government against the accused lecturer, the inquiry officer recorded a comprehensive statement of the accused lecturer on oath on 9-9-2013 wherein the accused lecturer frankly admitted that he remained in Saudi Arabia without any legal mandate/sanctioning of leave from 9-8-2007 till 12-5-2011 thus divulging a true facts previously hid by him in his reply submitted to the charge sheet and statement of allegations, however, at one place he still concealed the facts that he had joined the GDC, College, Lachi on 21-7-2009 and served till 30th September, 2009, but this plea of the accused lecturer was totally belied by the facts and figure as well as documentary record gone through by the inquiry officer during the inquiry proceedings. The plea taken by the accused lecturer was absolutely wrong, baseless, concocted as well as cock and bull story.

36. By telling lie before the inquiry officer, the accused lecturer has not only concealed the true facts from the inquiry officer rather he has also indulged in perjury, which is criminal and the accused lecturer had to be criminally proceeded against.

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37. The evidence recorded by the inquiry officer revealed that the accused lecturer, Adeel Yasin was not interested to serve in Pakistan as according to his own version, the accused lecturer was getting hefty salary of 6900/ Saudi Riyal, which was equivalent to Rs.1,65000/- and even this much pay is not being paid even to Grade-20 officer in Pakistan. The accused lecturer was also getting other perks and privileges allowed to him by the Saudi government.

38. The inquiry officer has also come to the conclusion that somebody sitting in the Directorate of Higher Education alongwith the Secretariat of Higher Education was in hand and glove with the accused lecturer, Adeel Yasin and somehow or other, the accused lecturer was given assurance not to join the Higher Education Department, Khyber Pakhtunkhwa.

39. The total absence period of the accused lecturer, Adeel Yasin right from 9-8-2007 to 20-7-2011 comes to three years nine months and eleven days.

40. The accused lecturer was allowed by the government for five years and then gave him many chances to join his parent department, but he not only blatantly defied the government directions rather continued his service in violation of the Rules and Regulations as well as having no legal mandate/cover of the Government, thus indulging in gross mis-conduct.

41. The accused lecturer, Adeel Yasin also cheated the provincial government by concealing the true facts from the government so many time, sometime claiming that his deputation period will expire on 20th July, 2009 and sometimes claiming that his wife was under treatment. He did not behoove like a responsible officer and willfully absented himself from the government duty.

42. When somebody informed him that the provincial government had initiated disciplinary proceedings against him, he rushed back to Pakistan and submitted his arrival cum adjustment request in the GPCC, Kohat, though; he himself has admitted in the statement recorded by the inquiry officer that after adjustment in the Govt. Degree College, Lachi on 21-7-2009, he had renewed his contract with the Saudi Government for one more year without the stamp and approval of the

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provincial government and continued his service in violation of any legal cover till 20-5-2011. This shows how the accused lecturer, Adeel Yasin boldly trampled the Rules and Regulations of the government, acted irresponsibly to continue his service in Saudi Arabia in violation of Rules and Regulations of the provincial government. This also shows how the accused lecturer, Adeel Yasin was so unfaithful to his own department as well as government.

CONSEQUENTIAL RECOMMENDATIONS

RECOMMENDATIONS SPECIFIC TO THE CHARGE/CHARGES LEVELLED AGAINST THE ACCUSED LECTURER, ADEEL YASIN

The inquiry Officer conducted exhaustive inquiry into the alleged allegations leveled against Adeel Yasin, lecturer by the provincial government. The inquiry officer not only examined the conduct of the accused lecturer, Adeel Yasin rather went through the written reply submitted by the accused lecturer in rebuttal of the allegations leveled by the provincial government, but also recorded a comprehensive statement of the accused lecturer, Adeel Yasin to get to the bottom of the case, separating grain from the chaff, bringing material evidence on record and visiting various Colleges where the accused lecturer served to further know about his conduct as well as his service record.

The inquiry officer also examined as many as fifteen persecution witnesses relevant to the case and brought documentary record on the case file as well as recorded the statement of incumbent Principal of Govt. Postgraduate College, Kohat. The inquiry officer, after giving thorough consideration to the materials brought on the record, evidence recorded by him as well as examining the conduct of the accused lecturer, Adeel Yasin, has reached a definite conclusion and accordingly recommend the following penalties to be imposed on the accused lecturer, Adeel Yasin.

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1. Since, the accused lecturer, Adeel Yasin after recruitment by the Public Service Commission, NWFP now Khyber Pakhtunkhwa, took over charge on 15-9-1998 and after serving for almost for three years and eleven months in the Govt. Degree College, Parachinar, had been allowed by the provincial government to go on deputation to serve in the Education Ministry of Saudi Arabia and the first notification to that effect was issued by the government vide No. SO(FATA)/Ed/1-9/2002/No. VIII dated 20-7-2002 and the last notification issued by the government vide even No. dated 31-1-2007 thus allowing the accused lecturer to serve abroad for five years. The deputation period was going to expire on 8-8-2007, therefore, the accused lecturer, Adeel Yasin was asked to join his original college at Parachinar, Kurram Agency on 9-8-2007, but the accused lecturer in spite of the fact that his deputation period had been exhausted and no further deputation period was going to be allowed to him by the government under the Rules and Regulations, blatantly and willfully defied the government directions not to join his parent department and continued his service in violation of the provincial government Rules and Regulations. The accused lecturer was also barred not to deposit further pension contribution as there was no room for him for further extension in deputation period, but the accused lecturer having receiving hefty pay in Saudi Arabia, did not bother about the government directions and continued his service in Saudi Arabia. This facts has 100% been proved by the inquiry officer through materials brought on the record as well as evidences recorded by him.
 2. The accused lecturer, Adeel Yasin, being responsible officer of the government also deliberately cheated the provincial government by claiming that his deputation period will exhaust on 20th July, 2009, when the government had already issued repatriation notification vide No. SO(COLLEGES-X-IV)/2008 dated 2-3-2009 for his repatriation back to the Higher Education Department. The accused lecturer Adeel Yasin was so
- Adeel Yasin

bold that even he submitted written memorandum/application to the Higher Education Department that his deputation period will exhaust on 20-7-2009 and on the basis of that the government was constrained to issue modified notification vide even No.SO/COLLEGES X-1/2008 dated 2-4-2009 and the name of the accused lecturer, Adeel Yasin was accordingly withdrawn from the repatriation notification. After withdrawing his name from the repatriation notification, the accused lecturer, Adeel Yasin was so bold that he again rushed to Saudi Arabia to continue his service as deputationist in Saudi Arabia without any legal cover/mandate of the government. This fact has also been proved through documentary proof brought on record by the inquiry officer. The inquiry officer has also reached a definite conclusion that the government functionaries sitting in the Directorate of Education as well as Secretariat of Higher Education were in league with the accused lecturer by not probing the actual facts about the deputation period claimed by the accused lecturer, Adeel Yasin. The inquiry officer has further reached the conclusion that the officers of the community of the accused lecturer occupying the bureaucratic posts, both at Directorate of Higher Education and Secretariat of Higher Education, were in league with accused lecturer, Adeel Yasin to protect him and allowing him to serve abroad in violation of the legal mandate/cover of the provincial government. The inquiry officer has conducted inquiries against such like lecturers and professors in the past of the Higher Education Department and lot of instances have come to the notice of the inquiry officer that lot of black sheep are being protected by the people sitting in the Directorate of Higher Education Department as well as Secretariat of Higher Education. Remedial measures are required by the provincial government to bring all such things on the right track by removing the lecturers, Assistant Professors and Professors sitting at the Directorate and Secretariat Higher Education Department not only occupying the

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on 21-7-2011, no body sitting either in Directorate or Secretariat of Higher Education Department took notice of the long absence of the accused lecturer, Adeel Yasin from his official duty and immediately notification for his adjustment vide No.SO(COLLEGES)HED/11-12/2010 dated 09-08-2011, was issued by the provincial government and the accused lecturer Adeel Yasin had assumed the charge in the Govt. Postgraduate College, Kohat w.e.f 12-5-2011, the date on which he had submitted his annual report to the provincial government. Here again the Accused lecturer, Adeel Yasin had been shown extra favour by the people of his own community sitting in Directorate of Higher Education and Secretariat of Higher Education Department, Khyber Pakhtunkhwa. This is the classic example of favoritism, nepotism as well as extra favour shown to the accused lecturer, Adeel Yasin. The right course for the Higher Education to have been adopted was that the accused lecturer, Adeel Yasin should have been suspended by the provincial government and inquiry proceedings should have been expedited and the case should have been taken to the logical conclusion. Alas!, no such thing was happened. The accused lecturer was comfortably adjusted in the Govt. Postgraduate College, Kohat in spite of his long absence from his duty without any legal mandate and having been continued to get hefty salary from the Saudi Government, yet again all of a sudden jumping back to Pakistan and within no time being adjusted in the Govt. Postgraduate College, Kohat. This speaks for the worst governance being observed in the country like Pakistan.

5. The inquiry officer has also thoroughly probed the behavior and conduct of the accused lecturer, Adeel Yasin and has come to the conclusion that the accused lecturer was not only irresponsible, unfaithful to his country as well as his parent department, but having greed for greener pastures abroad by earning handsome salary rather he was a cheater also by hiding/concealing not only the true facts from the inquiry officer rather from the provincial

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government as well. He could not be relied upon. Being a Muslim, one should be truthful, honest and dedicated as well as telling the truth. The Hadith of Holy Prophet (Muhammad, Peace Upon Him) says that telling the truth by the Muslim will lead to his salvation while telling the lie will ultimately land him in trouble as well as lead to his destruction.

6. The inquiry officer has calculated the absence period of the accused lecturer, Adeel Yasin from his duty w.e.f 09-08-2007 till 12th May, 2011, when finally the provincial government adjusted the accused lecturer, Adeel Yasin in the Govt. Postgraduate College, Kohat on 12-5-2011. The total absence period comes to three years nine months and eleven days. This is forever period of absence from government duty and the accused Adeel Yasin deserve no leniency at all.

7. All the allegations leveled against the accused lecturer, Adeel Yasin by the provincial government stand proved and the accused lecturer deserves no leniency at all and liable to be punished accordingly.

8. For giving lesson to others to learn, the inquiry officer is of the opinion that such like black sheep in the Education Department should not be tolerated any more. It is recommended that the accused lecturer be straightaway dismissed from service besides black listing him not to join any other institution in future because of his irresponsible behavior shown by him as well as proving himself to be dishonest to his own profession as well as proving himself to be a cheater.

GENERAL RECOMMENDATIONS

1. The bad governance is endemic in the government department throughout Pakistan including the provincial government, Khyber Pakhtunkhwa. The Education Department is full a black sheep and required to be thoroughly cleansed from such like black sheep.

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2. The inquiry officer has got authentic information that lot of lecturers and Professors are working in the NGOs, GTZ, UNESCO, UNICEF and other Organizations and getting handsome remunerations and abandoned their own parent department as well as getting promotion also. These lecturers and Assistant Professors and Professors are required to be called back to serve the children of the nation for which they have been recruited so as to avoid the wastage of government resources.
3. The people sitting at the Higher Education Department belonging to teaching community and occupying the bureaucratic posts are also required to be sent back to their own teaching profession to serve the children of the nation. The people of the ex-cadre sitting on the bureaucratic posts, are also not fit for this job because of their lack of skill and grooming for the said job thus resulting not only in bad governance rather delaying of official work.
4. The lack of check and balance system as well as lack of inbuilt mechanism has also resulted in bad governance and the provincial government had to take this aspect also into consideration as well as taking remedial steps so as to ensure good governance.

(FAZLI RABBI)
(PCS. EG(BPS-20))

Provincial Census Commissioner/
Head of Pakistan Bureau of Statistics
Khyber Pakhtunkhwa/FATA/Inquiry Officer
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Cell No. 0345-9270884

04th October, 2013.

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STATEMENT OF MR.ADEEL YASIN LECTURER IN ENGLISH GOVERNMENT POST GRADUATE COLLEGE, KOHAT ON OATH.

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After getting my post graduate degree in the subject of English from the Gomal University in 1995, I was in search of job. Meanwhile, the Public Service Commission NWFP now Khyber Pakhtunkhwa had advertised some posts in the subject of English in January, 1996. The posts were advertised vide advertisement No.01/96. I submitted my application form vide S.No.18. I had mentioned my qualification in the form submitted to the Public Service Commission. The Public Service Commission NWFP now Khyber Pakhtunkhwa had conducted screening test of the candidates of the English subject. I had passed the screening test. Later on, I had undergone an interview. I was selected by the Provincial Public Service Commission now Khyber Pakhtunkhwa. The entire process was materialized in the year 1998 and the Higher Education Department NWFP now Khyber Pakhtunkhwa had issued Notification No.SO(c)/II-1/96-VI dated 10-9-1998. Copy of the Notification having five pages was issued by the Government as, Annexure 'D'. I was placed at S.No.74 of the notification. Vide notification mentioned above, I was posted in Govt.College, Parachinar as lecturer in English. I had accordingly assumed my charge as lecturer in English in the Govt.College Parachinar on 15th September, 1998 (F.N). Copy of the charge assumption report is, Annexure 'E'. I remained as lecturer in English in the Govt.College Parachinar w.e.f 15-9-1998 till 29-8-2002. The total period served by me in the Govt.College, parachinar comes to almost four years. I was relieved by the Principal Govt.College, Parachinar on 29-8-2002 (AN) and I was also directed to report to Overseas Employment Corporation Department, Islamabad accordingly. Copy of the relevant report/chit is, Annexure 'F'. After reporting to the Overseas Employment Corporation Department, Islamabad, I was asked to wait for some days so that my visa as well as ticket for the Saudi Arabia may be processed/readied by the government. Later on, after completion of all my documents i.e visa alongwith the ticket, I was given intimation by the Overseas Employment Corporation, Islamabad to get my visa ticket etc. The provincial government had accordingly sanctioned leave vide notification No.SO(FATA)/Edu/1-9/2002 dated 8-8-2002. Copy of the notification is Annexure 'G', I had accordingly took flight for Saud Arabia on 17th September, 2002. I landed in Aseer

Signature
Date

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Abha Riyadh Saudi Arabia. I joined service in the department of Schools and Literacy in Aseer Abha, Riyadh. My contract with the Saudi Arabia was for one year and it was further mentioned in the contract that it will be automatically renewed for one more year however, it was also mentioned in the agreement as terms and conditions by the Saudi government that anybody, who is going to be expelled or his contract rescinded by the Saudi Government, then two months prior notice will be given to the employec/employees. After serving in the above mentioned department for almost ten months in Saudi Arabia, I was granted 25 days leave alongwith extension in visa for one year. I came back to Pakistan on 28th June, 2003 and applied for extension of my leave for one more year. The Provincial Government had acceded to my request and leave for more one year was extended vide notification No.SO FATA/Education/1-9-2002(Vol-III) dated 6-12-2003. Copy of the notification is, Annexure 'H'. After the extension of one year leave, I joined the department of School and literacy Aseer Abha, Riyadh, Saudi Arabia. Similarly, another notification of one year extension more was issued in my favour by the provincial government amongst others vide notification No.SO (FATA)/Education/1-9/2002 dated 29-10-2004. Copy of the notification is, Annexure 'J'. The provincial government issued another notification No. SO (FATA)/Education/1-9/2002(Vol-III) dated 15-10-2005 vide which leave for one year more was extended in my favour. Copy of the notification is, Annexure 'K'. Again, the provincial government was pleased to issue another notification in my favour for the extension of the for one year more, but I could not produce the copy of the notification because the same was neither sent to me by post nor I was given this notification by the FATA Directorate in spite of my repeated requests. No doubt, I did not receive a copy of notification from the provincial government regarding my extension of leave for one more year, yet I remained in Saudi Arabia till 25th June, 2007. On 26th June, 2007 when I came back to Pakistan, I applied for the extension of one more year, but the extension could not be materialized. I was also barred to deposit my pension contribution any more as I was told that the deputation period of five year has already been elapsed because I was not entitled for more extension. I remained in Saudi Arabia till 20th July, 2009(20-7-2009). On 21st July,

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2009, I submitted my arrival report cum request for adjustment in Govt. Post Graduate College, Kohat to the Higher Education Department, copy of which is, Annexure 'L'. Accordingly, the provincial government adjusted me in the Govt. Degree College, Lachi vide Notification No. SO(C)X-4/08 dated 3-8-2009 instead of Govt. Post Graduate College, Kohat. Copy of the notification is, Annexure 'M'. After notification of my adjustment in Govt. Degree College Lachi Kohat District, I assumed the charge in the Govt. Degree College, Lachi Kohat District w.e.f 21-7-2009, a date of my adjustment mentioned in the notification mentioned above. I remained on duty in the Govt. Degree College Lachi till 30th Sept, 2009 (two months and ten days). Then I submitted another application for extra ordinary leave of 180 days to the Principal Govt. Degree College Lachi to be sent to the Director Higher Education for sanctioning of leave. The application for 180 days extra ordinary leave was addressed to Director Higher Education NWFP and the same application was forwarded by Mr. Muhabat Khan Bangash, Ex-Principal, Govt. Degree College, Lachi Kohat District on 1-10-2009, however, I could not produce the relevant record to that effect and the same be available at Govt. Degree College, Lachi. Then I straightaway proceeded to Saudi Arabia and joined my old institution at Aseer, Abha, Riyadh, Kingdom of Saudi Arabia. I was informed that request for one year extra ordinary leave may be put up to the provincial government as 180 days extra ordinary leave could not be granted under the Rules. I requested the provincial government for one year extra ordinary leave without pay by filing/addressing an application directly to the Director Higher Education Peshawar taking the plea that my wife was under treatment in Saudi Arabia and required constant treatment. My application dated 2-2-2010 addressed to the Director Higher Education alongwith the three pages enclosures is, Annexure 'N'. My request for extra ordinary leave for one year was not honored by the provincial government. I remained in Saudi Arabia from 1-10-2009 till 11-5-2011. I had come to know through reliable sources that the provincial government had started disciplinary proceedings against me and within four days I rushed back to Pakistan and submitted my arrival report to provincial government on 12-5-2011. Copy of the arrival report cum request for adjustment in Govt. Post Graduate College, Kohat is Annexure 'M'. Accordingly the government issued Notification No. SO(COLLEGES)/HED/IX-12/2010 dated 08-08-

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PM

2011 Copy of the notification as Annexure 'C' I assumed the charge as Lecturer in the Govt Post Graduate College, Kohat, dated 13-8-2011. Copy of the charge assumption report, Annexure 'B', since then, I am performing my duty as lecturer in English in

GPCC Kohat. CC It is correct that I was posted at Govt College, Peshawar as lecturer in English vide notification No. SO(C)/198-VI dated 10-2-1988 and I remained in the same post till 29-8-2002.

CC It is also correct that I had applied to the Overseas Employment Corporation for service abroad in 1990, however, was selected for service abroad by the Overseas Employment Corporation, Islamabad in May, 2002. The Overseas Employment Corporation had conducted the screening test along with the interview and I was successfully selected to join service in Saudi Arabia.

CC It is also correct that after my selection by the Overseas Employment Corporation arranged visa along with the tickets for me as well as for my family and accordingly I went abroad on 17th Sept, 2002. The provincial government had sanctioned one year leave for me vide notification No. SO(FATA/EDU/1-2002/10-111) dated 8-8-2002 already exhibited as Annexure 'C'.

CC It is correct that I am not in possession of any notification of leave extension after 2002 as neither the same has been sent to me by the Directorate of Education FATA nor I got it from the Education Directorate FATA even after my repeated request. I have got no proof as to whether the Education Directorate FATA would have issued notification of my extension of extra ordinary leave or not. It is for the Directorate of Education FATA to explain the true position as I was told by the Directorate FATA that my extra ordinary leave for one more year stood sanctioned by the provincial government.

CC It is correct that I was under the assumption that I have been granted extra ordinary leave that was the main reason that I continued my service as deputationalist abroad.

CC It is correct that I did not try to collect documentary proof regarding my sanctioned extra ordinary leave from the Directorate of Education FATA and merely

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2011. Copy of the notification is, Annexure O". I assumed the charge as Lecturer in the Govt. Post Graduate College, Kohat w.e.f 12-5-2011. Copy of the charge assumption report is, Annexure 'P'. Since then, I am performing my duty as lecturer in English in GPGC, Kohat.

CQ It is correct that I was posted at Govt. College, Parachinar as lecturer in English vide notification No.SO(C)/II/96-VI dated 10-9-1998 and I remained in the same college till 29-8-2002.

CQ It is also correct that I had applied to the Overseas Employment Corporation for service abroad in 1999, however, I was selected for service abroad by the Overseas Employment Corporation, Islamabad in May, 2002. The Overseas Employment Corporation had conducted the screening test alongwith the interview and I was successfully declared to join service in Saudi Arabia.

CQ It is also correct that after my selection by the Overseas Employment Corporation arranged visa alongwith the tickets for me as well as for my family and accordingly I went abroad on 17th Sept, 2002. The provincial government had sanctioned one year leave for me vide notification No.SO(FATA)/Edu/1-9/2002(Vol-III) dated 8-8-2002 already exhibited as, Annexure 'G',.

CQ It is correct that I am not in possession of any notification of leave extension after 2005 as neither the same has been sent to me by the Directorate of Education FATA nor I got it from the Education Directorate FATA even after my repeated request. I have got no proof as to whether the Education Directorate FATA would have issued notification of my extension of extra ordinary leave or not. It is for the Directorate of Education FATA to explain the true position as I was told by the Directorate FATA that my extra ordinary leave for one more year stood sanctioned by the provincial government.

CQ It is correct that I was under the assumption that I have been granted extra ordinary leave that was the main reason that I continued my service as deputationist abroad.

CQ It is correct that I did not try to collect documentary proof regarding my sanctioned extra ordinary leave from the Directorate of Education FATA and merely

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acted on the hearsay information/evidence provided by the Directorate of Education FATA. Both the then Section Officer Mr. Farman Khan and the dealing Assistant/Steno Mr. Anwar Khan, had assured me that extension of leave was my right and I should not be worrying about it.

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CQ It is correct that under the Rules and Regulations any leave granted to the government servant could not be claimed as a right rather it is privilege and the competent authority has got the right either to refuse the leave request or to cancel the leave granted to anybody any time.

CQ It is correct that it is an established fact that ignorance of law is no excuse at all.

CQ It is correct that I had got no notification of extra ordinary leave after 2005 which was supposed to be for 2006, yet I submitted another application for extra ordinary leave and I was assured that my application will be entertained, and accordingly I went back to Saudi Arabia and resumed my old job and I remained in Saudi Arabia till 20-7-2009.

CQ It is correct if my absence period is to be counted from 14-6-2006 till 20-7-2009, then this period come to three years and one month and suppose if it is assumed that a notification was issued by the FATA Directorate for year 2006 and it may be available on the record of FATA Secretariat then absence period comes to two years and one month after minusing/deduction a period of one year.

CQ It is correct that when I joined service in Saudi Arabia, I was being paid 2850 Riyal in Saudi currency which was equivalent to Rs.41300/- as per exchange rate of one Riyal to 14.5 paisa whereas when I was being relieved from the college my total salary per month was Rs.8500/-. The salary which I was getting was four time more as compared to Pakistani salary.

CQ It is correct that later on I was promoted as a teacher by Saudi Government and I had to teach the higher secondary classes thus resulting into higher salary and I was drawing Saudi salary 6900 Riyal per month equivalent to Rs.1,65000/-

CQ It is correct that Rs.1,65000/- per month in Saudi Arabia in 2011 was hefty salary and even today a grade 20 officer is not drawing such a salary in Pakistan.

CQ It is correct that withdrawal of notification No.SO(Colleges-X/IV/2008 dated 2-4-2009 was withdrawn on my written request/application addressed to the Secretary Higher Education Department from Saudi Arabia and accordingly the notification for the repatriation vide No.SO(Colleges-X/IV/2008 dated 2-3-2002 was partially modified by the provincial government. The main thrust of my application was that my contract period with the Saudi Government was going to expire in 31st July, 2009. The accused lecturer Adeel Yasin was confronted with the record maintained by the Directorate of Higher Education Peshawar where it has been mentioned that the deputation period of the accused lecturer will expire in April, 2009 and resultantly the notification for repatriation was withdrawn. The accused lecturer flatly denied that his request for April, 2009 was totally incorrect and wrongly mentioned in the record.

CQ It is correct that I requested for extension after 8-8-2007. Written application was submitted to the Deputy Director FATA and the dealing Assistant Mr.Mukhtyar was handed over written application and I assumed that extension in deputation after 8-8-2007 will be granted to me as a routine matter but I did not confirm from the department from the Directorate of Education Department as to whether I had been granted the extension or not.

CQ It has correctly been mentioned in the charge sheet that I remained absent without approval of extension of leave as deputationist w.e.f 9-8-2007 to 20-7-2009, a total period of two years.

CQ It has also been correctly mentioned in the charge sheet that I reported for duty on 21-7-2009 and joined duty at Govt.College Lachi on the same day. On 1-10-2009, I submitted an application through Principal Govt.College Lachi for 180 days which might have been denied by the Department of Higher Education, but I was not informed by the Principal of the Govt.College, Lachi. The accused lecturer Adeel Yasin was confronted with the record maintained on his personal file by the Directorate of Higher Education which revealed that his request for 180 days was filed which is clear from the letter No.27375 dated 19-11-2009. Copy of the letter is, Annexure 'Q'.

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CQ No doubt, the Director, Higher Education Khyber Pakhtunkhwa might have sent a Registered letter No.9192 dated 25-1-2010 on my home address (which is a part of the charge sheet) wherein I was given direction to report for duty immediately failing which disciplinary action will be initiated against me by the provincial government, but the same registered letter was neither received by me or my family members.

CQ It has also been correctly mentioned in the charge sheet that instead of resuming of my duty as per directions of the provincial government; I applied for extra ordinary leave without pay for one year w.e.f 1-10-2009 to 30-9-2010.

CQ It is also correct that I remained absent from duty w.e.f 1-10-2009 till 11-5-2011(one year six months and eleven days) which has been mentioned in the charge sheet. If my previous absence period of three years one month will be counted with this period then my total absence period from government duty comes to four years six months and eleven days.

(FAZLI RABBI)

Provincial Census Commissioner/
Head of Pakistan Bureau of Statistics
Khyber Pakhtunkhwa/FATA/Inquiry Officer
Tele # 091-9211096
Fax # 091-9211097
Cell No.0345-9270884

R.O & A.C

A Yasin
09-09-2013
(ADEEL YASIN)
Lecturer in English
Govt Postgraduate College
Kohat

09th September,
2013.

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STATEMENT OF MR. JEHANZEB PRINCIPAL POST GRADUATE COLLEGE KOHAT
ON OATH

98

For the last one year, I am performing my duty as Principal in the Post Graduate College, Kohat. As far as Mr. Adil Yasin Lecturer in English is concerned, he submitted his arrival report on 12-5-2011. Photocopy of the arrival report is, Annexure 'A'.

2. Similarly, after submission of his arrival report, Mr. Adil Yasin, Lecturer in English assumed his charge on 12-5-2011. Photocopy of which is, Annexure 'B'.

CQ The Higher Education Department vide No. SO (College/HED/IX12/2010) had posted Mr. Adil Yasin, Lecturer in English in the Post Graduate College, Kohat photocopy of the Notification dated 08-08-2011 issued by the Higher Education Department available on the personal file of Mr. Adil Yasin, Lecturer in English, is correct. Copy of the Notification is, Annexure "C"

CQ I have seen the arrival report of Mr. Adil Yasin, Lecturer in English and the remarks thereon by my predecessors in office, Mr. Ghulam Akbar (Ex-Principal Govt. Post Graduate College, Kohat now retired). I confirm his signature on the arrival report.

CQ Similarly, the accused lecturer in English, Mr. Adil Yasin after submission of the arrival report also assumed the charge on the same date i.e. 12-5-2011 (AN).

QC My predecessor in office, Mr. Ghulam Akbar forwarded the charge assumption report vide Ends. No. 4098-41-1 dated Kohat the 18-8-2011 to the Director

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Higher Education, Khyber Pakhtunkhwa in duplicate amongst others. I confirm the signature of my predecessor in office, Mr. Ghulam Akbar (Ex-Principal Govt. Post Graduate College Kohat) as correct.

CQ It is correct that Mr. Adil Yasin, Lecturer in English is a competent person and has got full command over his subject.

CQ His conduct during my tenure has been excellent and no complaint, whatsoever, has so far been received against Mr. Adil Yasin Lecturer in English.

CQ It is correct that he is punctual in his duty and attending his duty regularly.

CQ It is correct that Mr. Adil Yasin lecturer in English had been teaching to the post graduate students, but at the moment he is teaching to the students of Bachelor as well as inter classes.

(FAZLI RABBI)

Provincial Census Commissioner/
Head of PBS Khyber
Pakhtunkhwa/FATA/Enquiry Officer
Peshawar

03.9.2013

R.O and A.C

Jehanzeb Khan 03/09/2013
Mr. Jehanzeb Khan
Principal
Govt. Post Graduate College,
Kohat

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

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No. *2115* / CA-II/ Estt: Branch/ A-12/ Adeel Yasin/ English
Phone # 091-9210242, 9211025/Fax # 921021

Dated Peshawar the *28* / *01* / 2014

To

[Signature]

The Principal
Govt; Post Graduate College, Kohat.

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SUBJECT

AINI Q
DISCIPLINARY PROCEEDINGS AGAINST MR. ADEEL YASIN
LECTURER IN ENGLISH (BPS-17) GOVT; POST GRADUATE
COLLEGE, KOHAT.

Memo;

I am directed to enclose herewith two copies of Show Cause Notice duly signed by the Competent Authority in respect of Mr. Adeel Yasin Lecturer in English of your College alongwith findings of the inquiry report with the request that the same may be served upon the accused officer and return one copy after obtaining his signature as token of receipt to this office for further necessary action.

[Signature]

DY: DIRECTOR (ESTABLISHMENT)

Enclst; No.

Copy of the above is forwarded to the Section Officer Colleges II) Govt; of Khyber Pakhtunkhwa, Higher Education Department Peshawar with reference to his letter No. SO (Colleges-II) 13-9/2013/Adeel Yasin/444 dated 10.01.2014.

~~*[Handwritten notes]*~~

DY: DIRECTOR (ESTABLISHMENT)

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