

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PAKHTUNKHWA PESHAWAR

Service Appeal No # 381/2023

Diary No. 5240

Dated 9/5/2023

Mr. Zulfiqar Ul Mulk.....Appellant

Versus

Secretary E&SE, Govt of Khyber Pakhtunkhwa & Other.....Respondent

APPLICATION FOR SETTING ASIDE EX-PARTY PROCEEDING AND RESTORING RIGHT OF FILING PARA-WISE COMMENTS.

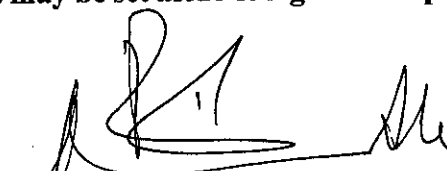
Respectfully Sheweth,

- 1 That the above titled appeal was fixed before this Honorable Tribunal on 19-04-2023 for submission of written reply.
- 2 That the Honorable Tribunal has ordered the respondents as ex-parte along with striking out the Right of respondents for non-filing of para-wise comments. (Copy enclosed).
- 3 That facting aggrieved the respondents seeks restoration of the right of filing para-wise comments on the following grounds inter alia.

Grounds:

- 1 That the valuable rights of the department/respondents are involved with the Service Appeal.
- 2 That the application is within time and there is nothing dis-obedient on the part of respondents.
- 3 That on the very same day on which the respondents were proceeded ex-parte. The para-wise comment were ready to file but the delay was caused due to proper submission of attested copies.
- 4 That there is no legal bar in acceptance of the application in hand.
- 5 That the delay was not intentional but due to the above reason respondents will show punctuality in future.
- 6 That according to the rule of natural justice no one can be condemned un-heard.
- 7 That the filing of para-wise comments is very necessary for the just and proper disposal of the above service appeal.

It is therefore, most humbly requested that an acceptance of this application the ex-party proceedings against the respondents may be set aside & right to file para-wise comments may kindly be restored Please.


Secretary
Elementary & Secondary Education,
Department (Respondent No.1 to 04)

381/23

19th April, 2023. 1. Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Addl: AG for respondents present.

2. Written reply/comments on behalf of respondents are still awaited. The time provided in Rule-12 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 for filing reply is 7 days before the date fixed but despite providing opportunity the respondents have not filed the comments. They are thus placed ex-parte and their right to file reply stands struck off. To come up for arguments on 02.05.2023 before S.B. P.P given to the parties.



(Kalim Arshad Khan)
Chairman

Adnan Shah, P.A.

02nd May, 2023

1. Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for official respondents No. 1 to 4 present.

2. Private respondent No. 5 has not been served till date, therefore, it is directed that he be summoned for 11.05.2023. To come up for arguments before the D.B on the date fixed. Parcha Peshi is given to the parties.



(Salah-ud-Din)
Member (J)

(Kalim Arshad Khan)
Chairman

Naeem Amin

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application

Number of Words 20/47

Copying Fee 20/-

Urgent

Total 20/-

Name of Applicant

Date of Application

Date of Delivery of Copy 08/5/23



08/5/23
08/5/23

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal # 381/2023

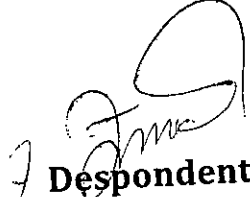
Mr. Zulfiqar Ul Mulk.....Appellant.

VERSUS

Chief Secretary, Govt: of Khyber Pakhtunkhwa & others.....Respondents.

I N D E X

S#	Description of Documents	Annex	Pages
1.	Affidavit & party wise comments	A	4-7
2.	Inquiry Report	B	8-14
3.	Show Cause Notice	C	15-16
4.	Major Penalty/Compulsory Retirement	D	17-18
5.	Removal Notification	E	18
6.	Reinstatement Notification	F	20


Respondent

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal # 381/2023

Mr. Zulfiqar-Ul-Mulk, DEO, BS-17.....Petitioner

VERSUS

Govt. of Khyber Pakhtunkhwa & others.....Respondents

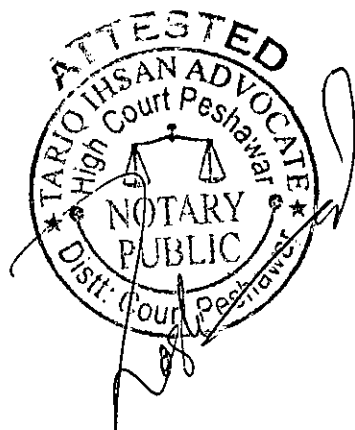
AFFIDAVIT

I, **Taj Muhammad**, Section Officer (Litigation-II) Elementary & Secondary Education, Department do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments, submitted by the respondents, are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

DEPONENT



Taj Muhammad
Section Officer (Lit-II)
E&SE Department Peshawar



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

In Service Appeal No. 381/2023

Mr. Zulfiqar Ul MulkAppellant.

VERSUS

Chief Secretary to Govt of KPK Peshawar..... Respondents.

PARAWISE COMMENTS ON BEHALF OF THE RESPONDENTS NO. 01 TO 04.

Respectfully Sheweth,

Preliminary Objections:

2. The appellant has not come to the Tribunal with clean hands.
3. The appellant is not an aggrieved person nor has any locus standi to file the present appeal.
4. That the appellant has concealed material facts from this Tribunal.
5. That the appellant is estopped by his own conduct to file the present appeal.
6. That the present appeal is against the prevailing law and rules.
7. That the appellant is not entitled for any relief, he has sought from this Honorable Tribunal.
8. That the present appeal is liable to be dismissed being devoid of any merits.
9. That the present appeal is barred by law and hence not maintainable.

On FACTS

1. Pertains to record.
2. Pertains to record.
3. Correct.
4. Incorrect, hence denied. After receiving compliant against the appellant a proper show cause was served on the appellant and thereafter on conclusion of inquiry. The appellant was awarded with major penalty of compulsory retirement. **(Copy of Show Cause is Annex-A and Removal Order is Annex-B).**
5. Incorrect, the statement of appellant about alleged inquiry and warning is totally false. The case was properly inquired which resulted in major penalty of Compulsory Retirement.
6. Correct.
7. In response of para-07, it is stated that the appellant were given full chance of defense and personal hearing.
8. Incorrect, the inquiry proceedings was with in accordance with law and procedure and there was nothing unlawful and improper in the inquiry.
9. Correct, but later on when the appellant was removed from service, the charge of District Education Officer (Male) Mardan was given to Deputy District Education Officer (Male) Mardan on 05th December, 2022. **(Copy of Order dated 05-12-2022 is Annex-C).**
10. Correct.


11. Correct.
12. Correct.
13. Para-13 is only correct to the acceptance of review petition of the appellant, however, the rest of para is incorrect. It is pertinent to mention here that the appellant was District Education Officer (Male) Mardan, while at the time of "Compulsory Retirement" therefore the fact of his posting was mentioned, therein order dated 01-12-2022 and the same word were reproduced in the order of review dated 20-01-2023. However, during the Compulsory Retirement of appellant, Respondent No. 05 was duly given charge of the vacant post of the District Education Officer (Male) Mardan.
14. Incorrect, hence denied.
15. Correct, as stated above the Respondent No. 05 was duly given the charge of District Education Officer (Male) Mardan as against vacant post.
16. Incorrect, hence denied.

On Grounds:

- A. Incorrect, the appellant was guilty of the charge against him and was awarded major penalty of Compulsory Retirement, which was thereafter on review petition converted into with holding of two annual increments for two years.
- B. Incorrect, the appellant was found guilty.
- C. Incorrect, and falsely stated.
- D. Para-D is false and wrong statement. The total is duly given the upper paras of parawise comments.
- E. Para-E is incorrect and false statement. The appellant was found guilty and was awarded punishment.
- F. Para-F is incorrect, the appellant was charged with misconduct and the meaning of misconduct is very wider in law, which includes irregularities which was duly committed by the appellant.
- G. Para-G is incorrect, the appellant has violated the law & procedure and committed gross misconduct.
- H. Para-H is incorrect and denied.
- I. Para-I is incorrect, in the present circumstances of the case.
- J. Para-J is totally incorrect, the inquiry was conducted in accordance with law and procedure.
- K. Para-K is incorrect, the appellant were given chance of personal hearing and the law of Qanoon-E-Shahadat is not applicable on the inquiry proceedings.
- L. Para-L is incorrect and wrongly stated therefore, denied.
- M. Para-M is incorrect and misleading. The Chief Minister has given show cause notice to the appellant being competent authority and thereafter an inquiry committee was appointed who after proceedings found the appellant guilty.
- N. Incorrect, the show cause is fully clear about allegations.
- O. Incorrect, all the legal formalities were fulfilled.
- P. Incorrect and denied.
- Q. Incorrect and denied. The inquiry committee has acted in accordance with law.

- (3)
- R. Incorrect, the copy of inquiry report was duly provided to the appellant.
- S. Subject to prove and pertains to previous record.
- T. Incorrect and denied. The appellant was given personal hearing.
- U. Incorrect, during the Compulsory Retirement the charge of District Education Officer (Male) Mardan was given to Deputy District Education Officer (Male) which was later on filed by Respondent No. 05.
- V. Incorrect, the appellant was guilty of misconduct and punished so there is no question of completion of tenure on a specific station.
- W. Incorrect and denied. Detail is given in above paras.
- X. Incorrect, the story as mentioned has no concerned with education department, whereas the appellant has been guilty of misconduct in the department.
- Y. Incorrect and denied, the same is answered above.
- Z. Incorrect, and denied alongwith its components which is not applicable in the present case.
- AA. Totally incorrect, hence denied.
- BB. Incorrect and denied. The appellant is found guilty and was awarded with major penalty which was later on reduced from removal from service to withholding of two years increments.
- CC. Incorrect and denied. The appellant was Compulsory Retirement and his vacant post charge were given to Deputy District Education Officer (Male) Mardan and the same vacant post was filled by Respondent No. 05 later on.
- DD. Incorrect hence denied.
- EE. Incorrect hence denied. The detail answer to this para is explained in the forgoing paras of parawise comments.
- FF. Incorrect and denied.
- GG. Incorrect and denied. The appellant performed with irregularities just for his own aim and satisfaction.
- HH. Incorrect and baseless, hence denied.
- II. Incorrect and denied.
- JJ. Incorrect and the orders of the respondents are in accordance with law.
- KK. Incorrect and denied up to the case of the appellant.
- LL. Incorrect and denied. Even not applicable with the case of the appellant.
- MM. Incorrect, the case of appellant is hopelessly time barred.
- NN. Incorrect and denied.

It is therefore, most humbly prayed that the appeal in hand may kindly be dismissed summarily throughout cost.


SECRETARY
Elementary & Secondary Education,
(Respondent Nos. 01 to 04)



INQUIRY REPORT IN RESPECT OF COMPLAINT AGAINST MR. ZULFIQAR-UL-MULK, DISTRICT EDUCATION OFFICER (M), UPPER CHITRAL.

Brief facts of the case

In the year 2020, Mr. Zulfiqar-UI-Mulk, District Education officer (M), Upper Chitral recruited thirty three (33) person against the posts of class IV, including three (3) drivers. Mr. Hidayat-ur-Rehman, MPA PK-01 lodged written complaint against the alleged irregularities and violation of rules/ policy during the recruitment process by the accused officer (**Annex-A**).

2. Mr. Uzair Ali, Additional Director (BS-19), Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa was assigned a fact-finding inquiry into the matter. In the light of the report of the fact-finding inquiry, Mr. Zulfiqar-UI-Mulk, Education Officer (M), Upper Chitral was issued charge sheets/ statement of allegations by the 'Competent Authority' which were accordingly served upon him. An inquiry committee comprising of Muhammad Ali shah, Secretary Housing (PCS-EG BS 20) and Mr. Saif Ur Rehman, Principal (BS-20), GHSS No 1 Nowshera Cantt was constituted to formally inquire into the matter and submit its report within 30 days (**Annex-B**). Mr Mushtaq Ahmed, Deputy Director (M), Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa was assigned the duties of the departmental representative in the instant inquiry to facilitate the proceedings of the inquiry by the inquiry committee (**Annex-C**).

Proceedings

3. The accused officer was summoned before the inquiry committee on 15-11-2021 (**Annex-D**). The accused officer appeared before the inquiry committee and took the plea that he had not been in receipt of the show cause notice / statement of Allegations till that day. Departmental representative produced the record vide which the same were dispatched to the accused on 22-09-2021 (**Annex-B**). Departmental representative was directed to ensure that the same are served upon the accused on the same day i.e. on 15-11-2021. Along with the statement of allegations/ charge sheet, a questionnaire, duly signed and acknowledged by the

Accepted to be true

Section Officer (Inquiries)
Elementary & Secondary Edu. Deptt.
Govt. of Khyber Pakhtunkhwa

(4)

accused, was also served upon him for submission of replies thereto on the next date of hearing (**Annex-E**).

4. Next date of hearing was fixed as 23-11-2021 (**Annex-F**). The accused officer submitted the para wise reply to the charge sheet/ statement of allegations (**Annex-G**). He also submitted question wise replies to the questionnaire served upon him on the previous date of hearing (**Annex-H**).

5. After the receipt of replies of accused officer/ officials and perusal of the record provided by the administrative department/ departmental representative, the accused was given the chance to clarify the things, consolidate the replies submitted by him and was cross examined accordingly.

6. The detailed inquiry proceedings against the officer, including his replies and findings of the inquiry committee are recorded as under:

Allegations against Mr. Zulfiqar-Ul-Mulk, District Education officer (M), Upper Chitral (BPS-19).

7. Statement of allegations containing four (04) charges, already served upon the accused officer are reproduced below and discussed charge wise along with the reply of the accused and findings of the inquiry committee:

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of

Charge (i) During the meeting of DSC held on 14.05.2020 under his chairmanship in his office for recruitment to the post of Class-IV, 30 out of 334 total applicants from the domicile holder of Upper Chitral were unanimously recommended by the DSC including 7 under 25% Employees sons' quota. However, 23 vacancies going to the share of disable as well as minority candidates were also filled from amongst the candidates of open seats/ merit.

Reply and Findings

8. Mr. Zulfiqar-Ul-Mulk stated that it is true that 30 candidates for class IV were recommended by DSC for appointment against class-IV posts during its meeting held on 14-05-2020. While justifying his position against the allegation, he stated that 25% of the seats were filled on merit against retired employees' sons quota reserved for them. He further stated

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Section Officer (Inquiries)
Elementary & Secondary Edu: Deptt:
Govt. of Khyber Pakhtunkhwa

(10)

that owing to less than 50 seats and owing to recruitment of disable persons in 2019 throughout the province as per directions of August Supreme Court, no one was recruited against the reserved quota of 2% for special persons. As far as exclusion of minorities against 5% quota reserved for them is concerned, he replied that no one applied against the same.

9. As per calculations made in presence of accused officer, against 30 persons recruited as Class IV, the proportion of special persons, minorities and women comes to 0.6%, 1.5% and 3% respectively. As per rules, he was supposed to recruit one special person, at least one person against minority quota and three persons against female quota. It is pertinent to mention over here that women quota is not observed on male side in the Education Department owing to exclusion of males during recruitment on female side. But as the accused had recruited one female also on the plea that he was observing 10% quota for female, so female quotas' observance has been discussed to elaborate the point made in proceeding paras.

10. Through cross-examination and after the perusal of record, it transpires that the accused was just going through all the formalities with a pre-determined mind. Whereas 15 days minimum response time is required to respond to an advertisement, the accused floated advertisement on 25-04-2020 mentioning therein the last date of submission of applications as 30-04-2020. To this indecent haste, the accused replied that they had dispatched the advertisement at an early date but it got delayed while being published. When he was confronted that he could have rectified this mistake of shortened response time by extending the closing date through two (2) subsequent corrigenda, which he issued, he was not able to justify his inaction.

11. While responding to the allegation of not recruiting any one against reserved seat for special persons, he replied that 2% quota for special persons has been implemented in 2019 as per August Supreme Court judgment. He seemed to be ignorant of the fact that this quota is calculated against all the employable seats and needs to be observed in all future recruitments also. Regarding the absence of recruitment against minority quota, he replied that no one applied against minority quota. He went to the extent that as per his knowledge, no minorities exist in Upper Chitral.

Al:
LF

Accepted to be true

Section Officer (Inquiries)
Elementary & Secondary Edu. Deptt.
Govt. of Khyber Pakhtunkhwa

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12. The committee found out that bigger issue in the matter was engineering the advertisement, response time, not mentioning number of posts and absence of quota against various seats to meet his preset targets/ goals. Prima facie, the advertisement asked for recruitment against open merit without mentioning the number of posts. Number of seats allocated against special persons, minorities or female was not mentioned in the advertisement. No one applied against minorities quota because advertisement never asked for it. So the plea of the accused that minorities did not apply can also be interpreted that minorities did not apply because they were never invited to apply.

13. Similarly, the accused wanted to extend his kindness to a widow. Interestingly, he recruited a female applicant on the male side. He was asked through questioner to quote a single example from the entire province where a female candidate had been recruited on male side to which he replied in writing that no such example or precedence exists to endorse his action. He took the plea that in APT Rules, women have been given 10% share in quota, that's why he recruited one female. Had the advertisement mentioned/ asked for 3 seats (10%) against female quota out of total 30 seats, in an area like Chitral, the response of females had been astounding. Because he did not mention even female quota, he cannot be absolved of recruiting a female on male side in total disregard to the precedence/ set policy of the education department.

14. In the advertisement for the posts, qualification/ age limit required is in total violation of service rules. Being a backward district, age limit for Upper Chitral is 43 years (40 years general requirement and 3 years automatic relaxation for backward districts) whereas educational requirement for the class IV posts is literate. The first advertisement sets the age limit as 18-35 years followed by corrigendum mentioning 40 years as age limit. Similarly main advertisement asks for middle pass applicants for the class IV posts followed by a corrigendum mentioning that middle pass will be given priority whereas service rules are clear that threshold qualification is literate.

15. Even at the stage of interviews, a novice practice was adopted. Instead of issuing interviews via call letters, people were contacted on telephones. Such a subjective and novice procedure of intimating the applicants about interviews smacks of collusion and partiality, to say the least.

Amended to be true

[Signature]
Section Officer (Inquiries)
Elementary & Secondary Edu. Deptt.
Govt. of Khyber Pakhtunkhwa

16. The whole process from first advertisement till second corrigendum is in total disregard to APT rules and service rules. The advertisement barred minorities, special persons and females to apply for the jobs by not mentioning their quota/ share and by advertising that seats will be filled through open merit. Interview call letters were never issued supplementing the assumption that only pre-determined candidates were called for so-called interview and selected.

Al.

Keeping in view the above, charge number, (i) is fully proved against Mr. Zulfiqar-Ul-Mulk, District Education Officer (M), Upper Chitral.

17. Charge (ii) "During the meeting, it was claimed that there was no applicant requesting for appointment against 100% deceased son's quota, however, no vacancy was left for future appointment under this quota".

To this charge, the officer responded that no application with documentary proof was found for appointment against class IV post.

18. Perusal of record and response to the questioner served upon the accused establishes that no certificate from the field officers/ ADEO/ SDEOs was sought/ furnished/ discussed to establish that no applicant was available to be posted against 100% deceased sons' quota. The set practice/ procedure was again avoided and indecent haste was observed in presuming that no one applied for the said quota without any feedback/ certification from the concerned offices.

Keeping in view the above, charge number (ii) is fully proved against Mr. Zulfiqar-Ul-Mulk, District Education Officer (M), Upper Chitral.

19. Charge (iii) "One recommendation for appointment at S NO. 33 in the merit list was made against an expected vacancy with no legal justification".

To this charge the accused officer replied that the said post was going to be vacated on 30-06-2020. He added that as these were the first appointment since notification of Upper Chitral as new district in July 2019, so the DSC recommended for appointment against the post after the retirement of incumbent in the best interest of public service and smooth

Directed to be done

Section Officer (Inquiries)
Elementary & Secondary Edu. Deptt.
Govt. of Khyber Pakhtunkhwa

(12)

service delivery because appointment of class IV is an extremely difficult and crucial assignment to perform.

When confronted with the question that whether rules/ regulations exist which authorize the recruitment of a person in anticipation of vacancy of the post, he could not produce any authorization. The only defense which he could offer for this action is that as the vacancy was about to be vacated on 30-06-2020, so DSC made recruitment on the post on 14-05-2020.

On the basis of answer given, non-provision of any rules/ regulations to justify appointment against vacant post and on the basis of record, the committee wants to dilate upon the mess created by the accused officer by not following the prevalent format of advertisement. The departmental representative and the accused officer were of the opinion that there is no legal bar on mentioning the number of vacancies and quotas in the advertisement that's why the accused did not mention number of vacancies/ quotas.

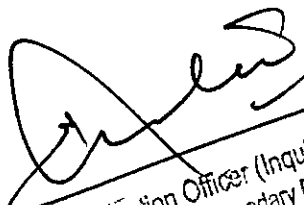
By not mentioning the exact number of posts, he got the discretion to add not only one post rather two posts which were not there at all. Even the accused while replying to show cause notice/ charge sheet did not know how many seats were vacant against which recruitments were made. He has given in black and white that it was 30. It was never 30. They were 28 in number. During the course of proceedings of recruitment, he selected an incumbent Class IV against the seat of driver. By doing so, the number of class IV seats available at the time of recruitment became 29. Then he made a futuristic appointment against a post due to be vacated in coming June and thereby took the number to 30 whereas the actual number of available seats at the time of advertisement were 28. If we add the three posts of drivers in it, the final count comes to 31 and not 33. So he recruited 2 persons not 1 without a clear vacancy.

Keeping in view the above, charge number (iii) is fully proved against Mr. Zulfiqar-Ul-Mulk, District Education Officer (M), Upper Chitral.

Charge (iv) "Instead of a single notification, every new recruit was issued separate appointment order/ notification".

Arrested to be true

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Section Officer (Inquiries)
Elementary & Secondary Edu. Deptt.
Govt. of Khyber Pakhtunkhwa

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Replying to this charge, the accused officer told that there is no notified procedure for issuing appointment order through a unified notification. He further built up his arguments by stating that normally unsuccessful candidates challenge the notification / appointment owing to one reason or the other and the whole process then hangs in limbo. In order to avoid such eventuality, process/ strategy of single order per candidate had been adopted.

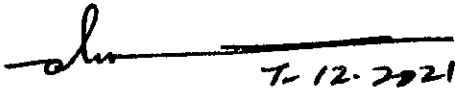
Departmental representative was also asked about presence of any directions/ issuance of notified procedure for issuance of appointment order in the notified form or otherwise but the departmental representative also could not prove any notified/ set precedence in this context.

By not issuing consolidated appointment orders, he has infringed upon the transparency of recruitment. Class IV recruitment also contains 25% quota for sons/ daughters of retired employees. This list is always jealously guarded by all the applicants waiting to be accommodated under the said quota. By not issuing a consolidated order, the accused has violated one final chance by the applicant under the retiree's quota to ensure that their waiting list has not been violated in the final orders. By not doing so, he has further embroiled the transparency of the recruitment process.

Keeping in view the above, charge number (iv) is partially proved against Mr. Zulfiqar-Ul-Mulk, District Education Officer (M), Upper Chitral.

Submitted please.

(This inquiry report consists of seven (7) pages of report and Eight annexures i.e. 20 pages in total).

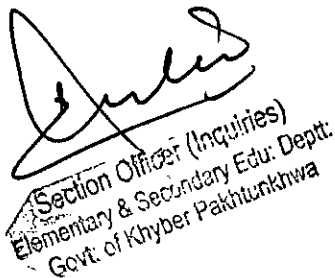

T-12-2021

Muhammad Ali Shah (PCS-EG- BS-20)
Secretary Housing Department,
Khyber Pakhtunkhwa, Peshawar.



Saif Ur Rehman
Principal (BS-20)
GHSS NO 1, Nowshera Cantt

Accepted


Section Officer (Inquiries)
Elementary & Secondary Edu: Deptt.
Govt. of Khyber Pakhtunkhwa

SHOW CAUSE NOTICE

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I, Mahmood Khan, Chief Minister Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mr. Zulfiqar Ul Mulk, Ex-DEO (M) Chitral now DEO (M) Mardan as follows: -

- (i) That consequent upon the completion of inquiry conducted against you by the inquiry committee for which you presented your written defense before the inquiry committee; and
- (ii) On going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your defense before the inquiry committee: -

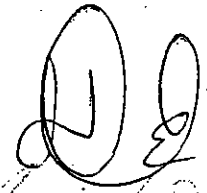
I am satisfied that you have committed the following acts/omission specified in rule-3 (a) of the said rules:

Inefficiency & Misconduct

2. As a result, thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of _____ under Rule-4 of the said rules.
3. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.
5. A copy of findings of the inquiry committee is enclosed.

(MAHMOOD KHAN)
CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

Mr. Zulfiqar Ul Mulk, Ex-DEO (M) Chitral now DEO (M) Mardan.


Zulfiqar Ul Mulk
ADVOCATE
Section Officer (Management Cadre)
Elementary & Secondary Edu. Deptt.
Govt. of Khyber Pakhtunkhwa



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223588

No. SO(SM)E&SED/4-19/2021/Inquiry
Dated Peshawar the February 28th, 2022

To

Mr. Zulfiqar-ul-Mulk (Ex-DEO (Male) Chitral Upper
Now District Education Officer (Male),
Mardan.

Subject: SHOW CAUSE NOTICE.

I am directed to refer to the subject cited above and to enclose herewith a copy of Show Cause Notice wherein the Chief Minister, Khyber Pakhtunkhwa has tentatively decided to impose a major penalty of "Removal from Service" upon you under Rule-4(b) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges levelled against you.

2- You are, therefore directed to furnish reply to the Show Cause Notice as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desired to be heard in person.

3- Your reply to the Show Cause Notice should reach this Department within seven (07) days of delivery of this letter, failing which ex-parte action shall be taken against you.

Encls: As above

(JUNAID SHAH)

SECTION OFFICER (Management Cadre)

CC to the: -

1. Director E&SE Khyber Pakhtunkhwa.
2. District Education Officer (Male) Chitral Upper with the direction to deliver the Show Cause Notice to the officer concerned.
3. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.

SECTION OFFICER (Management Cadre)

Attested:

Section Officer (Management Cadre)
Elementary & Secondary Edu. Deptt
Govt. of Khyber Pakhtunkhwa

REGISTERED

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the December 1, 2022

NOTIFICATION

No. SO(Inq)ESSED/1-19/2022/Mr. Zulfiqar ul Mulk/Ex-DEO (M) Upper Chitral now DEO (M) Mardan:

WHEREAS Mr. Zulfiqar ul Mulk, Ex-District Education Officer (Male), Upper Chitral now District Education Officer (Male) Mardan was proceeded against under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. AND WHEREAS Muhammad Ali (PCS EG BS-20), Secretary, Housing Department and Mr. Saif ur Rehman, Principal (BS-20), GHSS No. 1 Nowshera Cantt were nominated as Inquiry Committee to conduct Formal Inquiry under the ibid Rules, against Mr. Zulfiqar ul Mulk, Ex-District Education Officer (Male), Upper Chitral now District Education Officer (Male) Mardan, for the charges leveled against him.

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

4. AND WHEREAS the Competent Authority (Chief Minister) after having considered the charges and evidence on record, inquiry report, explanation of the accused in response to the show cause notice and personal hearing granted to him by Secretary, Home & Tribal Affairs Department on behalf of the Chief Minister/ Competent Authority on 21.05.2022 is of the view that charges against the accused have been proved.

5. NOW, THEREFORE, in exercise of the powers conferred under-section 14 (5) of the ibid Rules, the Competent Authority (Chief Minister), is pleased to impose major penalty of "Compulsory retirement" upon Mr. Zulfiqar ul Mulk, Ex-District Education Officer (Male), Upper Chitral now District Education Officer (Male) Mardan with immediate effect.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No. & Date

Copy forwarded to the:

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa Peshawar.
3. Deputy Commissioner, Mardan.
4. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
5. District Education Officers (Male) Upper Chitral.
6. District Education Officers (Male) Mardan.
7. District Account Officer Mardan.
8. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
9. PS to Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
10. Section Officer (Management Cadre), E&SE Department.
11. Section Officer (Schools/ Male), E&SE Department.
12. Incharge EMIS E&SE Department.
13. Mr. Zulfiqar ul Mulk, Ex-District Education Officer (Male), Upper Chitral now District Education Officer (Male) Mardan.
14. Office order file.

(Bilal Khan) 11/12/22
SECTION OFFICER (INQUIRIES)

Section Officer (Management Cadre)
Elementary & Secondary Edu; Dept.
Govt. of Khyber Pakhtunkhwa.



GOVERNMENT OF KHYBER PAKHTUNKHWA

ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar.

17
(75) (18)

No.SO (IQ)E&SED/1-1/2022 Mr. Zulfiqar Ul Mulk.
Dated Peshawar the May 25th, 2022

To,

The Zulfiqar ul Mulk
DEO (M), Mardan.

→ (2022)
25-5-2022

SUBJECT: REMOVAL FROM SERVICES/DISCIPLINARY ACTION
AGAINST THE ZULFIOAR UL MULK DEO (M), MARDAN.

I am directed to refer to the subject noted above and to state that your request for exoneration from charges leveled against you and grant of personal hearing was examined and forwarded for perusal of the Competent Authority.

2- The Chief Minister, Khyber Pakhtunkhwa has authorized office Secretary Home and & Tribal Department to give you an opportunity of personal hearing on 31-05-2022 (Tuesday) at 09:00 AM in his office.

3- You are, therefore directed to attend office the Secretary Home and & Tribal Department on the date, time and venue as mentioned above, positively.

o/c

(RAJA TASSAWAR)
SECTION OFFICER.
(INQUIRY)

Endst: Even No. & Date:

Copy of the above is forwarded to

1. Director E&SE, Khyber Pakhtunkhwa with the request to attend the personal hearing on the above-mentioned date and time with complete record of the case and also inform the accused officer to attend personal hearing.
2. PS to Secretary, E&SE Department.
3. PS to Secretary Home and & Tribal Department.

SECTION OFFICER
(INQUIRY)

Attested.
[Signature]
Section Officer (Management Cadre)
Elementary & Secondary Edu: Deptt:
Govt: of Khyber Pakhtunkhwa



GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

18

No. PS/HS/HD/Misc/2022.
Dated Peshawar, 24.05.2022.

To

Mr. Zulfiqar-ul-Mulk,
D.E.O. (M) Mardan.
(Ex-DEO (M), Chitral).

SUBJECT: PERSONAL HEARING

I am directed to refer to the subject noted above and to inform you that date for personal hearing with Home Secretary, Khyber Pakhtunkhwa has been fixed for 31.05.2022 at 0900 hours (sharp) in the Office of Home Secretary, Home & Tribal Affairs Department, Civil Secretariat, Peshawar.

2. Please appear for personal hearing on the date, time and venue mentioned, above.

DS/Staff Officer to
Home Secretary

C.c.

1. Secretary, Elementary and Secondary Education, Education Department, Khyber Pakhtunkhwa with the request to depute a departmental representative to attend the personal hearing along with record, please.
2. PSO to Chief Minister, Khyber Pakhtunkhwa.
3. PS to Chief Secretary, Khyber Pakhtunkhwa.

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ASR
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DS (Acting)
25/5

SO (Inv)
25/05/2022
25/5

Section Officer (Management Cell)
Elementary & Secondary Edu: De
Govt. of Khyber Pakhtunkhwa

Dated Peshawar the January 20th, 2023
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NOTIFICATION
No. SO(Inq)ESSED/1-19/2022/Mr. Zulfiqar ul Mulk/Ex-DEO (M) Chitral now DEO (M) Mardan:

WHEREAS Mr. Zulfiqar ul Mulk, Ex-District Education Officer (Male), Upper Chitral now District Education Officer (Male) Mardan was proceeded against under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. **AND WHEREAS** Muhammad Ali (PCS EG BS-20), Secretary, Housing Department and Mr. Saif ur Rehman, Principal (BS-20), GHSS No. 1, Nowshera Cantt were nominated as Inquiry Committee to conduct Formal Inquiry under the ibid Rules, against Mr. Zulfiqar ul Mulk, Ex-District Education Officer (Male), Upper Chitral now District Education Officer (Male) Mardan, for the charges leveled against him.

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

4. **AND WHEREAS** the Competent Authority (Chief Minister) after having considered the charges and evidence on record, inquiry report, explanation of the accused in response to the show cause notice and personal hearing granted to him by Secretary, Home & Tribal Affairs Department on behalf of the Competent Authority on 21.05.2022, is of the view that charges against the accused have been proved.

5. **AND WHEREAS**, in exercise of the powers conferred under Section-14 (5) of the ibid Rules, the Competent Authority (Chief Minister), imposed major penalty of "**Compulsory Retirement**" upon Mr. Zulfiqar ul Mulk, Ex-District Education Officer (Male), Upper Chitral now District Education Officer (Male) Mardan on 01/12/2022.

6. **AND WHEREAS**, Mr. Zulfiqar ul Mulk, preferred a Departmental appeal to the Chief Minister Khyber Pakhtunkhwa (Appellate Authority) against the notification dated 01-12-2022.

7. **NOW THEREFORE**, in exercise of powers conferred under Rule 17 (i) and (2) (c) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the Chief Minister Khyber Pakhtunkhwa being reviewing authority is pleased to modify the order dated 01-12-2022 and reduce the Major penalty of "**Compulsory Retirement**" into minor penalty of "**withholding of two annual increments for two years**" imposed upon Mr. Zulfiqar ul Mulk, Ex-District Education Officer (Male), Upper Chitral now District Education Officer (Male) Mardan with immediate effect.

**SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT**

Endst: of even No. & Date:

Copy forwarded to the:

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa Peshawar.
3. Deputy Commissioner, Mardan.
4. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
5. District Education Officer (Male) Upper Chitral & Mardan.
6. District Account Officer, Mardan.
7. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
8. PS to Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
9. Section Officer (School/Male), E&SE Department.
10. Section Officer (Management Cadre), E&SE Department.
11. Incharge EMIS E&SE Department.
12. Mr. Zulfiqar ul Mulk, Ex-District Education Officer (Male), Upper Chitral now District Education Officer (Male) Mardan.
13. Office order file.

SUPREME COURT

(Bifal Khan)

Section Officer (Inquiries)

 Section Officer (Management Cadre)
 Elementary & Secondary Educ. Deptt.
 Govt. of Khyber Pakhtunkhwa