

Service Appeal No. 7939/21

BEFORE THE SERVICE TRIBUNAL, PESHAWAR

Engineer Sanobar Khan

Versus

Government of KPK and Others

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5391

Dated 17/5/2023

Application for placing on file certain documents on behalf of
Applicant/Appellant.

May it please this Honorable Court

The Applicant/Appellant very humbly submit as under.

1. That the above-captioned Appeal is pending adjudication before this Honorable Court and is fixed for 31.05.2023.
2. That the Applicant /Appellant want to place on file departmental appeal submitted by the applicant/Appellant before the Secretary Public Health Engineering on 15.12.2021 which was then allotted with diary No. 8611 which is necessary for adjudication of the pending Appeal.

(Copy of the departmental Appeal is Annexure "A")

3. That the instant documents are of great importance for just and fair decision of the aforesaid case moreover the documents so placed through instant application this fact could be easily gathered that the Applicant /Appellant has arguable case against the Respondents.

(Copy of the Exoneration Order is Annexure "B")

4. That for just decision and kind consideration of this Honorable Court the Applicants may kindly be allowed to place on file these documents.

It is therefore very humbly prayed that on acceptance of this Application, the accompanied documents may kindly be considered as an integral part and parcel of the Appeal submitted by the Appellant.

APPLICANT/APPELLANT

Through

8/12

Hazrat Bilal Khan,
Advocate High Court(s)

To

The Secretary Public Health Engg:
Khyber Pakhtunkhwa Peshawar

D.No 8611

15-12-2021

Annex A

15/12/21

Subject: - **RECOVERY OF RS. 1.0621 (M) ON ACCOUNT OF IRREGULARITIES AND EMBEZZLEMENT IN THE PROJECT "STRENGTHENING AND CAPACITY BUILDING OF PHED ADP NO. 242/100098 (2011-12)"**

Reference: - Your letter No. SO (Estt)/PHED/8-36/2014 dated 02/12/2021 addressed to Director Anti Corruption Establishment Khyber Pakhtunkhwa Peshawar

Please refer to the letter as under reference above, it is submitted that I have been retired from PHE Department as Chief Engineer (BPS-20) on 30/08/2016. The said inquiry was initiated after my retirement and I have been wrongly implicated in the subject inquiry because the expenditure involved in the subject project was not done during my tenure as Superintending Engineer PHE Circle Peshawar. In this regard I have already submitted a detail report to then Secretary PHED on dated: 13/12/2017 along with all the documental proofs (Copy attached for ready reference).

Subsequently the then Secretary PHED issued letter to Accountant General Khyber Pakhtunkhwa Peshawar vide: SO (Estt)/PHED/8-36/2014 dated 09/12/2017 for held in abeyance till further order (Copy attached).

However it was astonishing to note that instead of considering my request again the letter under reference is issued to the Director Anti Corruption Khyber Pakhtunkhwa Peshawar for filling of FIR without considering and reviewing the documents on record which tantamount to be against the norms of justice and fair trial.

Keeping in view of the above facts it is once again requested that the facts mentioned in my previous application shall be reviewed and my tenure may be rechecked with voucher of expenditure incurred as mentioned in the inquiry report. Also the letter sent to Director Anti Corruption Khyber Pakhtunkhwa Peshawar may please be withdrawn till finalization of the actual facts.

Thanks.

Your Sincerely

Dated:- 15/12/2021

ENGR. SANOBAR KHAN
CHIEF ENGINEER (RETIRED) PHED

Copy to:-

1. The Director Anti Corruption Establishment Khyber Pakhtunkhwa Peshawar for information.

15/12/21

ENGR. SANOBAR KHAN
CHIEF ENGINEER (RETIRED) PHED



GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the November 25, 2022

NOTIFICATION

No.SO(ESTT)/PHED/1-185/2010/PF: WHEREAS, the following officers/officials of the Public Health Engineering Department were proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, on account of "Irregularities & Embezzlement in the Project Strengthening and Capacity Building of PHED, ADP No.228/100098 (2012-13)" committed by Public Health Engg: Division Nowshera:

- i. Engr. Faisal Naeem,
The then SDO (BPS-17) PHE Division, Nowshera. Now, working as Executive Engineer (BPS-18) PHE Division, Swabi.
 - ii. Mr. Aurangzeb,
The then Sub Engineer (BPS-16) PHE Division, Nowshera. Now, working as Assistant Design Engineer (OPS) PHE Department, Peshawar.
 - iii. Muhammad Yaseen,
The then Sub Engineer (BPS-16) PHE Division, Nowshera. Now, working as SDO (OPS) PHE Sub Division, Swabi.
2. AND WHEREAS, for the said act of misconduct, they were served with charge sheets and statement of allegations.
3. AND WHEREAS, an Inquiry Committee was constituted to conduct formal inquiry into the allegations against the accused officers/officials and submit report, for perusal of competent authority.
4. NOW, THEREFORE, the competent authority, after having considered the charges, material on record, explanation of the accused officers/officials and recommendation of the Inquiry Committee and in exercise of powers conferred under Rule 14 (3) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to exonerate the above-named officers/officials of PHE Department from the charges leveled against them.

**SECRETARY
PHE DEPARTMENT**

Endst No. SO(ESTT)/PHED/1-185/2010/PF:

Dated Peshawar, the November 25, 2022

Copy forwarded for information & necessary action to the:

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Chief Engineer (Center) PHE Department Peshawar.
3. Superintending Engineer PHE Circle Peshawar.
4. PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
5. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
6. PS to Minister for PHE Khyber Pakhtunkhwa Peshawar.
7. Section Officer (R-V), Establishment Department.
8. Officers/officials concerned.
9. Office Order / Personal Files.

*Abdul
Advocate*

(SHER AZAM KHAN)
(SHER AZAM KHAN)
SECTION OFFICER (ESTT)