

06.02.2022

Junior to counsel for the appellant present.
Muhammad Adeel Butt learned Additional Advocate
General alongwith Bilal Ahmad Library Assistant for
respondents present.

Reply on behalf of respondents submitted which is
placed on file. To come up for rejoinder/arguments on
12.05.2023 before D.B.

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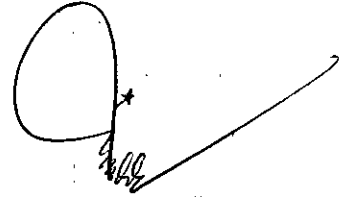


(Rozina Rehman)
Member (J)

17.11.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Bakht Ali, Litigation Officer and Mr. Ahmad Bilal, Assistant for the respondents present.

Reply/comments on behalf of respondents not submitted. Learned Additional Advocate General seeks time to contact the respondents for submission of reply/comments. Adjourned. To come for reply/comments on 19.12.2022 before S.B.



(Mian Muhammad)
Member (E)

SCANNED
BY
PESHAWAR

19.12.2022

Appellant alongwith his counsel present. Mr. Bilal, Librarian alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Reply/comments on behalf of respondents are still awaited. Representative of the respondents present in the court requested for further time for submission of reply/comments. Last opportunity given. In case the last chance as given is not availed, the next adjournment shall be subject to prior payment of cost of Rs. 5000/-. Adjourned. To come up for submission of reply/comments on 06.02.2023 before the S.B.

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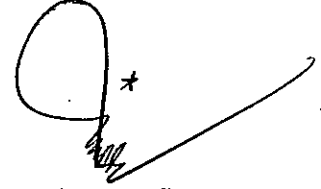
(Salah-Ud-Din)
Member (J)

18.07.2022

Appellant alongwith his counsel present and submitted application for extension of time to deposit security and process fee. Application is allowed and appellant is directed to deposit security and process fee within 03 days, thereafter, notice be issued to the respondents for submission of reply/comments. Adjourned. To come up for reply/comments on 20.09.2022 before S.B.

Rs 400/-
Appellant Deposited
Security & Process Fee

A. J. J. J. J.
19/7/22



(Mian Muhammad)
Member (E)

20.09.2022

Appellant in person present. Mr. Bakht Ali, Litigation Officer alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and sought further time for submission of written reply/comments. Adjourned. To come up for submission of written reply/comments on 04.11.2022 before the S.B.



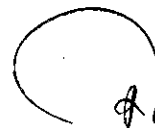
(Salah-Ud-Din)
Member (J)

04.11.2022

Appellant present through counsel.

Kabir Ullah Khattak, learned Additional Advocate General for respondents present.

Written reply on behalf of respondents not submitted. Learned Additional AG sought time to contact the respondents for written reply. Adjourned. To come up for written reply on 17.11.2022 before S.B.



(Rozina Rehman)
Member (J)

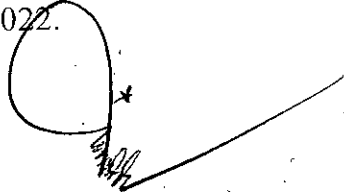
SCANNED
Page 2/2

19.05.2022

Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant while arguing the case, contended that the appellant is aggrieved of the impugned order dated 17.06.2021 whereby minor penalty of "withholding of his promotion for a period of 3 years" was imposed on him. The appellant feeling aggrieved, submitted departmental appeal to respondent No.1 on 01.07.2021 which was however not responded. Hence the instant service appeal was filed in Service Tribunal on 26.10.2021. It was further argued that the appellant has been issued charge sheet and statement of allegations. He has not been provided an opportunity of personal hearing and the end of justice have not been met before imposition of the penalty. However, Show Cause Notice has been issued to the appellant on 04.12.2020 which was accordingly replied by the appellant. Since the laid down and prescribed procedure under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, has not been followed the impugned order is therefore illegal and has no force of law.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 18.07.2022.




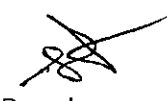

(Mian Muhammad)
Member(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7673 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/10/2021	<p>The appeal of Mr. Saeed-ur-Rehman presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;">7673  REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>14/21/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
14.12.2021		<p>Clerk of learned counsel for the appellant present.</p> <p>Former requests for adjournment on the ground that learned counsel is not available today. To come up for preliminary hearing on 23.02.2022 before S.B at camp at camp</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>
23.02.2022		<p>Due to retirement of the Hon'able Chairman, the case is adjourned to 19.05.2022 for the same before D.B.</p> <p style="text-align: right;"> Reader</p>

Before the Ayaz Paktunkhwa Service Tribunal Pesh

Saeed-ur-Rehman V/s Govt. Of KP

Application for granting permission to submit
security process fee

Respectfully Shrueth,

- 1- That the titled appeal is pending adjudication before this Honble Tribunal and is fixed for today i.e. 18/7/22.
- 2- That on previous date when the case was admitted for regular hearing, the appellant was directed to deposit security process fee within 20 days but due to unavoidable circumstances the same was not deposited on time.
- 3- That the fee is required to be submitted for issuance notices to the respondents and there is no hurdle in allowing the same.

It is therefore most humbly
prayed that on acceptance of
this application appellant may
kindly be permitted to deposit
security process fee.

With in 3 days

Applicant Through
Noor Muhammad Advocate.

Dated: 18/7/22

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 7673 /2021

SAEED-UR-REHMAN

V/S

GOVT: OF K.P & OTHERS:

I N D E X

S.N	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1-3
2	Affidavit	4
3	Office order dt: 10.09.2020	A	5
4	Detail reply	B	6-7
5	Report	C	8-9
6	Show cause Notice dt: 04.12.2020	D	10-11
7	Impugned office order dt:17.06.2021	E	12-13
8	Departmental appeal:	F	14-15
9	Wakalat Nama	16

Dated: 26.10.2021

APPELLANT

Through:

NOOR MOHAMMAD KHATTAK
ADVOCATE

FLATE NO. 04, 2ND FLOOR,
JUMA KHAN PLAZA, NEAR FATA SECRETARIAT,
WARSAK ROAD, PESHAWAR

0345-9383141

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. _____/2021

Mr. Saeed-ur-Rehman, Accounts Assistant (BPS-12),
City Museum, Peshawar.

.....**APPELLANT**

VERSUS

- 1- The Secretary, Sports , Tourism Youth Affairs and Archaeology & Museums Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Archaeology & Museums, Khyber Pakhtunkhwa, Peshawar.

.....**RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDERS DATED 17-06-2021 WHEREBY MINOR PENALTY OF WITHHOLDING PROMOTION OF THE APPELLANT FOR THE PERIOD OF THREE YEARS HAS BEEN IMPOSED AND AGAINST THE IMPUGNED INACTION OF THE RESPONDENTS BY NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUARY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this service appeal the impugned order dated 17-06-2021 may very kindly be set aside and the appellant may be promoted on his term with all back benefits. Any other remedy which this august Tribunal deems fit that may also be granted in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That the appellant is an employee of the respondents department and is/ was performing his duty as account assistant quite efficiently and whole heartedly and up to the entire satisfaction of his superiors.
- 2- That while performing his duty a committee was constituted vide office order dated 10-09-2020 to probe the matter of up gradation of the appellant and misappropriation in accounts committed by the appellant. Copy of the office order dated 10-09-2020 is attached as annexure **A.**

- 3- That the appellant in response to the office order dated 10-09-2020 submitted his detailed reply to the chairman inquiry committee regarding misappropriation of accounts and the illegal up gradation of the appellant. Copy of detailed reply is attached as annexure **B.**
- 4- That the committee in response to the office order dated 10-09-2020 submitted his audit report inquiry on 03-11-2020. Copy of the report is attached as annexure **C.**
- 5- That astonishingly vide dated 4-12-2020 a show cause notice was issued to the appellant wherein plethora of allegations have been leveled against the appellant. Copy of the show cause notice dated 4-12-2020 is attached as annexure **D.**
- 6- That astonishingly vide impugned office order dated 17-06-2021 the minor penalty of withholding promotion of the appellant for three years has been imposed without conducting proper inquiry in to the matter. Copy of the impugned office order dated 17-06-2021 is attached as annexure **E.**
- 7- That appellant feeling aggrieved from the impugned office order dated 17-06-2021 preferred departmental appeal before the appellate authority but no response have been given till date. Copy of the departmental appeal is attached as annexure **F.**
- 8- That by not deciding the departmental appeal of the appellant within the statutory period of ninety days, the appellant feeling aggrieved from the inaction of the respondents and having no other remedy but to file the instant service appeal on the following grounds amongst the others.

GROUND:

- A- That the impugned office order dated 17-06-2021 and the inaction of the respondents by not deciding the departmental appeal are against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the respondent department in accordance with law and rules on the subjected noted above and as such respondents violated the Article 4 and 25 of the Constitution of Islamic Republic of Pakistan.
- C- That the impugned office order dated 17-06-2021 is based on the inquiry report of the officer who is next in line for promotion to the post of superintend after the appellant, hence no one should be a judge in his own cause.

D- That no proper inquiry has been conducted in to the matter and it is necessary to do so that to dig out the real facts.

E- That no chance of personal hearing and personal defense has been provided to the appellatant before imposing the penalty.

F- That the appellatant seeks permission to advance any other ground and proofs at the time of hearing.

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

APPELLANT
Saeed

SAEED-UR-REHMAN

THROUGH:

NOOR MUHAMMAD KHATTAK

&

Kamran Khan
KAMRAN KHAN

Said Khan
SAID KHAN

Umar Farooq
UMAR FAROOQ
ADVOCATES

4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2021

SEED-UR-REHMAN

VS

GOVT: OF K.P DEPTT:

AFFIDAVIT

Stated on oath that the contents of the accompanying service appeal are correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.

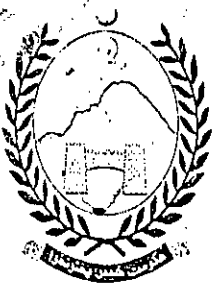
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DEPONENT

CERTIFICATE:

Certify that no earlier service appeal has been filed by the appellant in the instant matter before this Honorable Service Tribunal.


CERTIFICATION



ANNEXURE A

DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR

5

No. _____ / Archymus

C/O Peshawar Museum Peshawar

Dated: _____

Ph. # 091-9211194, 9211488
Fax # 091-9210690

OFFICE ORDER

I am directed to constitute a committee of the following officers/official of Directorate of Archaeology and Museums to conduct an inquiry against Mr. Saeed ur Rehman, Accounts Assistant, City Museum Peshawar regarding illegal upgradation and misappropriation in accounts maintained by him.

- | | | |
|----|---|----------|
| 1. | Mr. Muhammad Ismail Khattak
D.D.O
Directorate of Archaeology &
Museums Peshawar. | Chairman |
| 2. | Mr. Khalid Khan
Office Assistant
Directorate of Archaeology &
Museums Peshawar. | Member |
| 3. | Mr. Fazal Maula
Office Assistant
Dir Museum Chakdara. | Member |

The committee is further directed to complete the said task within 07 days and submit report to this Directorate.

Litigation Officer

Dated 10/9/2020

Endst. No. 252-54/A-34
Copy to: Archymus

1. Director, Archaeology & Museums Govt. of Khyber Pakhtunkhwa for information w/r to his direction.
2. Officers/official concerned for compliance.
- ✓ 3. Mr. Saeed ur Rehman, Accounts Assistant, City Museum Peshawar with the direction to appear before the committee.

Litigation Officer

ATTESTED

ANNEXURE B

6

To

The Chairman,
Inquiry committee,
Directorate of Archaeology & Museums
Peshawar.

Subject: Audit Report/ Inquiry for financial year 2015-16 to 2018-19 .

Memo:-

Kindly refer to office order No. 25254/A-34 dt 10/9/2020.

It is stated that I have been working in the Directorate of Archaeology & Museums since 2007 and have defended all the audits of Accountant General office successfully except financial year 2014-15 in which inquiry against Mr. Gul Bahadur DDO has been called by secretary Archaeology and found him guilty of theft and misappropriation and punishment was awarded to him as described in the Sport, Tourism, Archeology youth affairs & museums department letter No(Lit) 17-2/2014-15/3660-63 dated 21 March 2017.

It is also stated that audit generally held or conducted for 5 to 7 days in the presence of accounts section and DDO. But in case of this internal Directorate audit no formal procedure has been adopted by the audit party comprises of Mr. Gul Bahadur Superintendent and Mr. Sami Ullah Junior clerk. All the record has been taken over the said team one year ago. Thorough Forensic type audit has been continued for whole year and only 9 Paras have been raised i.e 2 paras per year & not intimated to undersigned and directly proposed for inquiry which is also against the true spirit of the audit & it clearly shows personal prejudice of audit party against me. Latter on these paras have been handed over to me by Mr. Ismail khan Chairman Inquiry committee. I have always adopted proper procedure of accounts and all the bills sent to the A.G Office, after getting approval of the Director and pass order of the DDO under proper note sheet.

Reply to these observations is as under.

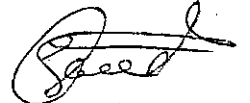
1. Undersigned has submitted the case to A.G office following proper procedure but when the Fixation party has rejected the up gradation order the undersigned has himself started the recovery. Superintendent Budget Mr. Gul Bahdur has tempered the Source II to create some ambiguity. Original source II has been shown to Chairman Inquiry committee.

ATTESTED

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2. Stationary is the main item of purchase in the Directorate, which was properly maintained by Superintendent Establishment and all the stock has properly handed over to him, other stocks have also been properly handed over to the concerned on the vouchers and all these purchases have been successfully been defended in the Annual Audit of Directorate conducted by A.G Office.
3. All the bills have been paid by the Directorate, Mechanics never visit the office. Drivers do the repair work in the office's cars and sign the bills under proper approval of the Director.
4. Cash Book have been maintained under direct supervision of the DDO. No shortcomings exists even A.G office. Audit party has clear it and no observation has been raised.
5. During the mentioned year power supply has been interrupted due to the deterioration of power cable in the rain for 3 consecutive days. PESCO office was as usual out of stock, so new cable has been provided under the head Ao3303 Electricity as contingency head has not possess sufficient amount. A.G office has also been consulted on the said issue.
6. All the Furniture has been purchased even DDO has also received 6 chairs for his office, Nawaz ud din A.R.O has received computer table from the mentioned Furniture etc.
7. Undersigned, Mr Khalid Asstt: and MR. Sami Ullah J.Clerk received T.A. Office order and audit report has been attached with the bills. Other bills also have proper sanction and required documents. If it is not so, then how Director approved the bills and got the pass order of the DDO.
8. A.G office will never pass bills without names of dealers, No. Dates. It can be misprinted at the time of photo copy.
9. Limit of 5000/- conveyance charges have been implemented till 2014-15 later on enhanced. This was also discussed in the Finance Department during the Revised Budget meeting in the presence of DDO.

Yours sincerely,



Saeed ur Rehman.

Accounts Assistant.

19/10/2020

ATTESTED

ANNEXURE C

8

To

The Chairman Committee,
Directorate of Archaeology and Museums,
Government of Khyber Pakhtunkhwa.

Diary No. 7526
Date: 03/11/2020

Subject: AUDIT REPORT INQUIRY

Dear Sir

In compliance of the Directorate Archaeology and Museums office order No. 252-54/A-34/ Archymus dated 10-09-2020, the Committee Members have submitted their of inquiry regarding the audit paras of the accounts record in respect of Directorate of Archaeology and Museums, Government of Khyber Pakhtunkhwa with the following mentioned detail:-

Para No.	Description of Para	Confirmed	Remarks
1-	Upgradation from BPS-12 to BPS-14, through bogus notification	Confirmed	Reverted and recovery made by Pay fixation party
2-	Non-availability of stock registers for the period of last four years	Confirmed	Not produced the Stock register
3-	Non assurance of purchase, repair & payments to the concerned employees/dealers.	Confirmed	No receiving/sign or receipt of the concerned dealer
4-	Non reconciliation of expenditure, cash book & expenditure statement.	-----	10% of the expenditure hereby checked out and found correct
5-	Illegal claim under head A03303- electricity charges.	Confirmed	Contingency bill have been passed through head A03303
6-	Purchase of furniture under head A09601-purchase of furniture,	Confirmed	i. Non concerned purchased i.e. Instead of Pak German. ii. not available on stock register + not concerned received
7-	Illegal claim under head A03805-TA.	Confirmed	Attendance certificate are not available
8-	Unnamed, undated & unsigned vouchers & bills	Confirmed	Most of the bills are found unnamed
9-	Exceeding from delegated power under head A03808-conveyance charges.	Confirmed	Checked out by the committee and found it correct

Furthermore, the committee members have found Mr. Saeed ur Rehman Account Assistant guilty and the following penalties are hereby suggested under efficiency and disciplinary rules, 2011.

ATTESTED

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Penalties:

- i. Censure;
- ii. Withholding, for a specific period, promotion or increment subject to a maximum of three years, otherwise than for unfitness for promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post:

Provide that the penalty of withholding increments shall not be imposed on a Government servant who has reached the maximum of his pay scale:

- iii. Recovery of the whole or any part of any pecuniary loss caused to Government by negligence or breach of order:



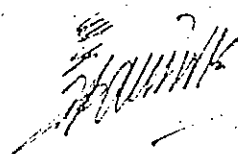

3/11/2020

Fazal Maula
Assistant
Member Inquiry Committee



Noor Khan
Assistant Research Officer
Member Inquiry Committee

Copy forwarded for information to Director Archaeology and Museums Govt: of Khyber Pakhtunkhwa, Peshawar.

ATTESTED



AMENDURE

10

DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR

No. 818/A-57 / Archymus

C/O Peshawar Museum Peshawar.

Dated: 4-12-2020

Ph. # 091-9211194, 9211488

Fax # 091-9210690.

SHOW CAUSE NOTICE

To

Mr. Saeed Rehman
Account Assistant,
City Museum, Gor Khatri Peshawar.

1. I Dr. Abdul Samad, Director, Directorate of Archaeology & Museums, Peshawar hereby charge you for the illegal act or omissions recommended by Audit Committee (copy enclosed) and confirmed by enquiry committee (Copy enclosed).

That you committed the following acts of gross misconduct.

1. That you up-graded yourself from BPS-12 to BPS-14, through bogus and forged notification.
2. That you had not maintained any stock register for a period of 4 to 5 years.
3. That you had not provided assurance of purchases, repairs and payments to the employees/dealers provided by you regarding contingent charges, bills and vouchers.
4. That you have illegally withdrawn amount from the electricity head No. A03303 for purchase of electronic items.
5. That you withdrawn the amount Rs. 60,000 under head No. A09601 for purchase of furniture without the enlisted bidder of this directorate, neither any furniture was purchased by you nor entered into stock register (for furniture).
6. That you also withdrawn travelling allowance under head No. A03805, the amount of Rs.1,24,963 as a TA but you did not submit any report, supporting documents or justification etc.
7. Claims and pared bills which are unnamed and unsigned vouchers.
8. Exceeding from delegated power under head A03808-conveyance.

ATTESTED

2. By reason of the above, you appear to be guilty of gross misconduct under rule 2(1) (IV) (VI) (V) read with rule 3(b) of the Khyber Pakhtunkhwa government servant (Efficiency and Discipline) Rules, 2011, and the enquiry committee recommended the following penalties.

- i. Censure;
- ii. Withholding, for a specific period, promotion or increment subject to a maximum of three years, otherwise than for unfitness for promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post:

Provide that the penalty of withholding increments shall not be imposed on a Government servant who has reached the maximum of his pay scale:

- iii. Recovery of the whole or any part of any pecuniary loss caused to Government by negligence or breach of order;

3. Intimate whether you wish to be heard in person.

4. Your written reply to the Show Cause Notice should reach the undersigned within 14 days of this Notice, failing which ex-parte decision shall be taken against you.



DIRECTOR

Dated ____/____/2020

Endst. No. _____/Archymus

Copy to:-

1. Superintendent (Estab), Directorate of Archaeology & Museums, Peshawar.
2. Incharge, City Museum Gor Khatri. Peshawar.

DIRECTOR

ATTESTED

ANNEXURE E

(12)



**DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR**

No. 374/A-34 / Archymus

Dated: 17-6-2021

C/O Peshawar Museum Peshawar

Ph. # 091-9211194, 9211488

Fax # 091-9210690

OFFICE ORDER

Whereas, a committee has been constituted against Mr. Saeed ur Rehman for internal Audit of the regular budget of the Directorate for the last four years vide letter No.1683/A-3/Archymus dated 22-07-2019.

Whereas, the internal audit committee submitted report and discovered miss-representation and fraud in the accounts of Directorate and nominated accused/official Saeed ur Rehman, Account Assistant as a principle accused.

Whereas, on the said report, regular inquiry was directed for misconduct committed by the accused/official. In this reason charge sheet and statement of allegations were served to him.

Whereas, the inquiry report was received in due course, which was properly conducted in accordance with the provisions of Govt. of Khyber Pakhtunkhwa Civil Servants (Efficiency & Disciplinary) rules, 2011 and charges against the accused official were proved. On receiving the inquiry report and going through the evidence recorded by the inquiry committee and the relevant record, the accused official was served with a show cause notice under rule 4 of the rules ibid and was asked to submit reply and was also asked to intimate whether he wants to be heard in person. After receiving reply to the show cause notice accused/ official also opted for personal hearing.

Whereas, the accused/ official was personally heard at length.

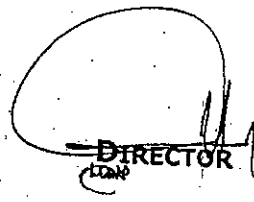
Whereas, the inquiry report is a comprehensive document and its findings are proper and clear. The inquiry committee found the accused/official guilty of all the charges except non-reconciliation of expenditure cash book and expenditure statement

ATTESTED

which were found to be correct, the inquiry committee have concluded that rest of allegations against the accused official are proved.

Now, while agreeing with the inquiry report, the material on record, his acts/behavior/omission and commission are not required to be forgiven on the record. The charges against the accused official are proved making him liable for maximum minor penalty the proved misconduct.

Therefore, minor penalty is awarded to withhold the promotion of the accused/official for a period of three years under rule 4(1) (ii) of the Govt. of Khyber Pakhtunkhwa Civil Servants (Efficiency & Disciplinary) rules, 2011.


DIRECTOR

Endst. No. _____/Archymus

Dated _____/_____/2021

Copy to:

- 1. PS to Secretary Sports, Cultural, Tourism, Archaeology, Museums & youth affairs for information.
- 2. Superintendent (Estab), Directorate of Archaeology and Museums, Peshawar.
- 3. Incharge, City Museum, Gor Khatri, Peshawar.
- 4. The official concerned.
- 5. Personal file of the concerned.

DIRECTOR

ATTESTED

To

ANNEXURE "F"

14

The Honorable Secretary,
Govt. of Khyber Pakhtunkhwa,
Sports, Tourism, Youth Affairs and Archaeology & Museums,
Peshawar.

Through: Proper channel.

Subject: APPEAL TO SET ASIDE MINOR PENALTY TO WITHHOLD PROMOTION FOR 3 YEARS.

Respected Sir,

Kindly refer to the Directorate of Archaeology office order No.374/A-34 dated 17/6/2021 regarding penalty to withhold promotion for the period of three years (copy enclosed).

1. It is submitted that Inquiry Committee constituted by Director Archaeology & Museums vide letter No. 252-54/A-34 dated 10-9-2020, awarded me minor penalty of stoppage of promotion for the period of 3 years. I would like to mention here that the Internal Audit party & Inquiry Committee have no legal validity and mandate both are biased towards me. The Committee comprises of Guilty Superintendent and Junior Clerk have already applied against my promotion to the post of Superintendent.

2. Mr. Muhammad Ismail Khattak Archaeological Conservator BPS-16 was nominated as Chairman of the Inquiry Committee who himself is the Drawing Disbursing Officer of the Directorate Regular Budget. Each and every bill/sources have been signed by him. If there is any kind of misappropriation in the accounts, Mr. Muhammad Ismail Khattak DDO is equally responsible for it. The second member is Assistant Research officer while the third member of the committee is Office Assistant they all not expert in the accounts matter and irrelevant. Assistant is biased and next to candidate for the post of Superintendent.

3. The penalty is absolutely biased. I am inline & have been Applying for my promotion to the post of Superintendent for the last 3 years as it is my legal right under the existing Service Rules 2017 of Directorate of Archaeology and Museums. For this purpose, I have already filed my promotion case in the Services Tribunal

4. The office order regarding constitution of inquiry was signed by litigation officer who was not a competent authority and irrelevant official.

ATTESTED

01/07/2021
Diary No 9197
Date 01/07/2021
Directorate of Archaeology
Govt of K.P.K

5. The inquiry committee failed to prove any charge against me and the office order itself reveals that reconciliation of expenditure, cash book and expenditure statement are correct and in order.

6. Regarding up-gradation from BPS-12 to BPS-14, I collected a Notification from the Finance Department Govt. of Khyber Pakhtunkhwa wherein the post of Accounts Assistant has been upgraded from BPS-12 to BPS-14 and A.G Office also allowed it. The pay and Fixation party when objected to my up gradation, I myself immediately re-fixed my pay in BPS -12 and started recovery from my salary. The issue has already been settled and I am now drawing my salary in BPS-12.

7. It is worth mentioning that in the meeting of DAC held under the Chairmanship of worthy Secretary Archaeology, it was decided to conduct an inquiry against Mr. Gul Bahadur Superintendent Directorate of Archaeology and Museums regarding misappropriation of Funds. Accordingly, two Section Officers Mr. Tauseef Khalid and Mr. Abdul Hasseeb were nominated as Inquiry Officers. Mr. Gul Bahadur was found **Guilty** in the inquiry report "letter No. SO(LIT)/7-2/2014-15/3660-63 dated 21st March 2017 subject: Inquiry Report of Advance Paras of the year 2014-15." However inspite of the recommendation of the Administrative department Inquiry committee, no punishment is awarded to Mr. Gul Bahadur as yet, why am I the exceptional?

In view of the above it is stated that the penalty may please be set aside, if there is any doubt, I am ready to face any kind of Audit/ Inquiry conducted by neutral committee of the Auditors/Accountants having accounts knowledge. So I can clear my view point. The officials of BPS-16 having no knowledge of accounts have no legal right to proposed/award penalty to Accounts Assistant BPS-12.

Thanks.

Yours faithfully

Saeed ur Rehman
Accounts Assistant

O/E

Dated: 01/07/2021

~~ATTESTED~~

16

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO: _____ OF 2021

Saeed-Ur-Rehman (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt of K.P & others (RESPONDENT)
(DEFENDANT)

I/We Saeed-Ur-Rehman
Do hereby appoint and constitute **NOOR MUHAMMAD KHATTAK Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2021

Saeed

CLIENTS

ACCEPTED
NOOR MUHAMMAD KHATTAK
Kamran Khan
KAMRAN KHAN
Umer Farooq Mohmand
UMER FAROOQ MOHMAND
Said Khan
SAID KHAN
& Haider Ali
HAIDER ALI
ADVOCATES

2000 - 10 - 10

2000 - 10 - 10

2000 - 10 - 10

2000 - 10 - 10

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.**

Service appeal No. 7673 /2021

Mr. Saeed ur Rahman, Accounts Assistant (BPS-12),

O/O of the Director, Archaeology & Museums, Khyber Pakhtunkhwa

Peshawar

.....Appellant

Vs

The Secretary Sports, Tourism, Youth Affairs and Archaeology &
Museums Department, Khyber Pakhtunkhwa Peshawar & others.

.....Respondents

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DEPONENT

CNIC: 17301-8940064-7
Cell No: 03469148978

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.**

Service appeal No. 7673 /2021

Mr. Saeed ur Rahman, Accounts Assistant (BPS-12),

O/O of the Director, Archaeology & Museums, Khyber Pakhtunkhwa

Peshawar

.....Appellant

Vs

The Secretary Sports, Tourism, Youth Affairs and Archaeology &
Museums Department, Khyber Pakhtunkhwa Peshawar & others.

.....Respondents

REPLY/COMMENTS ON BEHALF OF THE RESPONDENTS NO. 1&2.

Preliminary Objections:-

1. That the appellant has committed to suppress the material facts from this Honor 'able Tribunal.
2. That appellant has not come to this tribunal with clean hands; hence the appeal is liable to be dismissed with this score alone.
3. That appellant has no locus standi and cause of action to file the instant appeal.
4. That the instant appeal in its present form is not maintainable and admissible.
5. That the case is hit by estoppel.
6. That the appeal is time barred and not maintainable.
7. That the case is hit by Principal Law of estoppels.
8. That the representation of the appellant has been decided by the worthy Secretary Sports, Tourism, Youth Affairs and Archaeology & Museums

(Respondent No.1) hence, this appeal is pre mature and liable to be dismissed.

- 9. That this Honorable Court has got no jurisdiction to entertain the present appeal.

ON FACTS:

- 1) Para "1" of the appeal is false and incorrect. That the appellent intentionally misappropriated the funds from the accounts of this Directorate. Moreover, the appellent committed gross negligence in maintaining the stock register, cash books, Contingency file and monthly expenditures statement to conceal misappropriation and deception. Moreover, the appellent while using his influence upgraded himself on bogus notification. It is further added, that when his bogus up-gradation was noticed by the competent authority, he was brought to his original grade i.e. Accounts Assistant (BPS-12) and recovery was also made wherein against such order the appellent did not file any appeal and admitted his guilt.

(Copy of order of constitution of Audit committee, Audit report, Bogus Notification & Recovery Order are attached as Annexure A,B,C&D)

- 2) Para "2" of the appeal is correct. Before constitution of inquiry committee, proper audit was conducted from the experts who found the appellent guilty of misappropriation and deception.

(Copy of order of constitution of Inquiry committee and Inquiry report are attached as Annex-E & F)

- 3) Para "3" of the appeal is correct.
- 4) Para "4" of the appeal is correct.
- 5) Para "5" of the facts is incorrect, false and baseless. The show cause notice was issued in the light of recommendations of inquiry committee as the

39

appellant committed serious negligence and misappropriation of funds from the account of directorate.

(Copy of Show cause notice and reply of appellant is attached as Annexure G & H)

- 6) Para "6" of the appeal is correct. That an opportunity for personal hearing was provided to him, wherein he failed to justify his guilt and wrongdoings.

(Copy of notice of personal hearing & his written statement are attached as Annexure I & J)

- 7) Para "7" of the appeal is correct to the extent that the appellant filed departmental appeal against the said order wherein the worthy Secretary Sports, Tourism, Youth Affairs and Archaeology & Museums (Respondent No.1) regretted the appeal of appellant and maintained the order of director vide Notification no. SO(M)4-95/2002 dated 03-12-2021.

(Copy of order is attached is Annexure K)

- 8) Para "8" of the facts is incorrect, false and baseless. The worthy Secretary Sports, Tourism, Youth Affairs and Archaeology & Museums (Respondent No.1) timely decided his appeal, and he did not file any appeal against the final order. The regretted Notification was duly shared with the appellant hence appeal of the appellant is premature and liable to be dismissed in limine.

GROUNDS

- A. Para "a" of the grounds is incorrect, false and baseless. As explained in Para "7".
- B. Para "b" of the grounds is incorrect, false and baseless. The details are given in the preceding Para, hence, needs no reiteration for the purpose of repetition.


17
C. Para "c" of the grounds is incorrect, false and baseless. The appellant is not inline of promotion according to Service Rules, 2017.

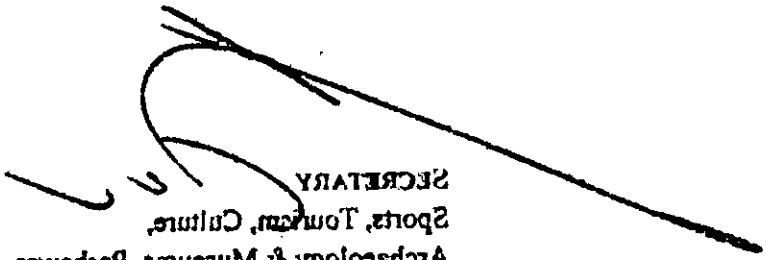
D. Para "d" of the grounds is incorrect, false and baseless. After the audit proper inquiry committee was constituted to probe the misappropriation of funds. The committee conducted proper inquiry and provided full opportunity to the appellant for justifications however, the appellant miserably failed to justify his misappropriation and gross negligence.

E. Para "e" of the grounds is incorrect, false and baseless. That opportunity for personal hearing was provided to the appellant wherein, he failed to justify misappropriation and gross negligence.

F. Para "f" of the grounds is incorrect, false and baseless. That each and every ground shall be taken specifically.

It is therefore humbly prayed that on acceptance of these comments, the instant appeal may kindly be dismissed with cost in the best public interest.


DIRECTOR
Directorate of Archaeology
& Museums Peshawar.
(Respondent No. 2)


SECRETARY
Sports, Tourism, Culture,
Archaeology & Museums, Peshawar
(Respondent No. 1)
Secretary to Government
Khyber Pakhtunkhwa
Sports, Culture, Tourism, Youth Affairs
Archaeology & Museums Department

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.**

Service appeal No. 7673 /2021

Mr. Saeed ur Rahman, Accounts Assistant (BPS-12),
O/O of the Director, Archaeology & Museums, Khyber Pakhtunkhwa
Peshawar

.....Appellant

Vs

The Secretary Sports, Tourism, Youth Affairs and Archaeology &
Museums Department, Khyber Pakhtunkhwa Peshawar & others.

.....Respondents

AFFIDAVIT

I, Muhammad Arif, Litigation Officer, Directorate of Archaeology & Museums, Peshawar, do hereby solemnly affirm and declare on oath that the contents of Para-wise comments/ reply in the above petition on behalf of Respondents No. 1 and 2 are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



DEPONENT
CNIC: 17301-8940064-7
Cell No: 03469148978

No. 1007/Archymus

Dated: 22-7-19

C/O Peshawar Museum Peshawar

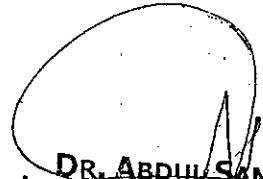
Ph. # 091-9211194, 9211488

Fax # 091-9210690

OFFICE ORDER: -

In continuation of this Directorate office order No.2152/A-03/Archymus dated 08th November, 2018, Mr. Gul Bahadar, Superintendent (Budget & Accounts) and Mr. Samiullah, Junior Clerk are hereby authorized for internal Audit of the regular budget of the Directorate for the last four years i.e. 2015-16 to 2018-19 and they should submit progress report to the undersigned, when the audit process finalized.

Moreover, Mr. Saeed-ur-Rehman, Accounts Assistant is also directed to handover all the accounts record for the above mentioned years for the said purpose accordingly.


DR. ABDUL SAMAD
 DIRECTOR
 Dated ___/___/2019

Endst. No. _____/Archymus

Copy for information to:-

1. Section Officer (Archaeology), Archaeology & Museums Department Peshawar.
2. D.D.O, Directorate of Archaeology & Museums Peshawar.
3. The Superintendent (Budget & Accounts), Directorate of Archaeology & Museums Peshawar.
4. Accounts Assistant, Directorate of Archaeology & Museums Peshawar.
5. Mr. Samiullah, Junior Clerk, Directorate of Archaeology & Museums Peshawar.

DIRECTOR

The Director,
Archaeology & Museums
Govt. Of Khyber Pakhtunkhwa.

(7)

Diry No 6648
Date 21/7/2020
Directorate of Archaeology
Govt of K.P.K

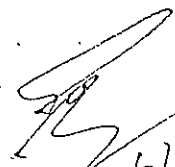
Subject: - AUDIT REPORT.


Dear Sir,

In compliance of this Directorate Office Order No.1683/A-3/Archymus dated 22-07-2019 (Copy enclosed as Annexure-A), the undersigned submitted audit report with the following mentioned detail:-

- 1- During the audit of pay bills of the Directorate, it is appear that Mr. Saeed-ur-Rehman, Account Assistant has upgraded hiself from BPS-12 to BPS-14, through bogus Notification,connected with the Rules & Regulation Wing of Finance Department (Copy enclosed as annexure-B). However,it should also be clarified that as per objection by the Pay Fixation party, after three years and six months he again downgraded himself from BPS-14 to BPS-12, under made to the proper recovery(Copy enclosed as Annexure-C).
- 2- During the audit of Stock Register, it is also disclosed that the stock register has not been maintained for the last five years and stock Register is an important and authentic process/ document for assurance of all purchases and the said negligence will be made to the proper cause of the objection of an external audit party.
- 3- During the audit of contingent charges, bills and vouchers, it is revealed that all amounts have been received by Account Assistant, instead of the concerned officials, dealers and mechanics.
- 4- During the audit of Cash Books, Contingency Files and monthly expenditure statement, it is also raised that vouchers and files are not reconciled with Cash Book and expenditure statement and it means that vouchers of doubtful purchases and repairs have been wasted by Account Assistant intentionally for concealment of his theft.
- 5- During the audit of vouchers files for the year,2016-17,it is confirmed that amount of Rs.31500/- has been drawn under head A03303-Electricity charges(through bill No. 168) on the justification of purchase of Electronic items,however the said head is only fixed for monthly electricity bills and this action of the Accounts Assistant is also come into the fraud and imposture process.
- 6- During the above mentioned year, it is also clare that the amount of Rs. 60000/- has been utilized under head A09601-Purchase of Furniture vide bill No.176, however, no furniture has been purchased nor the items entered in the furniture stock register, it means that the said amount confirmed to the own sweet of Accounts Assistant.

connect
22/07


20/7/2020


20/07/2020

Contd: to Page 02

During the audit for the whole years, it is also appeared that Mr. Saeed Rehman, Accounts Assistant claimed for the amount of Rs. 124963/- under the head A03805-Travelling Allowance, however, no supporting documents i.e. attendance certificates and TA memos are enclosed with his TA bills.

8- During the audit it is also reflected that the large number passed contingent charges, bills are not only unsigned by concerned dealers but also unnames and undates.

9- It is also appeared that Mr. Saeedur Rehman, Accounts Assistant has been claimed the amount of Rs.11400/- under head A03808-Conveyance Charges in the year,2015-16,through one sanction and date, however, during in the said year, the Director was authorized to give the sanction for only Rs. 5000/- similarly, he exceeded from the delegated powers.

Due to the above mentioned facts, it is proposed that an un-partisan inquiry committee may please be arranged for confirmation to the imposed allegations and in case of confirmation, the following few penalties should be given to the concerned in the best interest of good administration please.

- i- In the crime of Sr.No-1, action under para No. 2/a/k. By the rules of Establishment Department Government of Khyber Pakhtunkhwa should be given to him(Copy enclosed as annexure-D).
- ii- No. financial and purchases responsibilities should be given to him in coming future.
- iii- Complete ban for further promotion should be imposed him accordingly.
- iv- misappropriated amount in purchase of furniture and etc: should be recovered from the Account Assistant.

[Signature]
20/7/2020

(GulBahadar)
Superintendent(Budget).

[Signature]
20/7/2020

(Samiullah Khan)
Junior Clerk.

Contd: to Page 02

7

9



GOVT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

No. KC/ FD/ SO/ (R)/ 20/2015
Date: Peshawar, the 02nd/12/2015

NOTIFICATION

Subject: Up-gradation of the Posts of Statistical Assistant/Account Assistant/Sub-Accountant from BPS-11 to BPS-14

The underlined is directed to convey the concurrence of the Finance Department to up-gradation of the posts of Statistical Assistants/Account Assistants/Sub-Accountants from BPS-11 to BPS-14 in Ministries/Divisions/Departments with immediate effect.

Secretary to Govt of Khyber Pakhtunkhwa
Finance Department

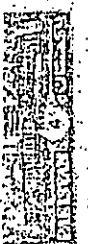
Encl: No. & Date: even

Copy of the above is forwarded for information and necessary action in the following:-

- 1) PS to Additional Chief Secretary, NAFA
- 2) All Administrative Secretaries, Government of Khyber Pakhtunkhwa
- 3) Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar
- 4) Accountant General, Khyber Pakhtunkhwa Peshawar
- 5) Secretary to Government, Khyber Pakhtunkhwa Peshawar
- 6) Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
- 7) Secretary Provincial Assembly, Khyber Pakhtunkhwa
- 8) All Heads of Attached Departments in Khyber Pakhtunkhwa
- 9) Registrar, Peshawar High Court Peshawar
- 10) All Deputy Commissioners, District Courts, District & Sessions Judges, District Courts, District Judges, District Judges (M) Khyber Pakhtunkhwa
- 11) Chairman, Khyber Pakhtunkhwa Public Service Commission, Peshawar
- 12) Registrar, Service Tribunal, Khyber Pakhtunkhwa
- 13) Secretary to Govt of Punjab, South and Baluchistan, Finance Department, Lahore, Karachi, Multan
- 14) The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Khan
- 15) The Senior District Accounts Officer Nowshera, Swabi, Gharsida, District Gilgit, District Gilgit
- 16) The Treasury Officer, Peshawar
- 17) All District/Agency Accounts Officers in Khyber Pakhtunkhwa (S&T)
- 18) PS to Senior Director, Finance, Khyber Pakhtunkhwa
- 19) PS to Chief Minister, Khyber Pakhtunkhwa
- 20) Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar
- 21) PS to Finance Secretary
- 22) PS to All Additional Secretaries, Deputy Secretaries in Finance Department
- 23) All Section Officers, Finance Officer in Finance Department

RECEIVED

20/12/15



[Signature]
SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

[Handwritten signature]

22/12/15



**PAYROLL SYSTEM
AMENDMENT FORM
MULTIPLE EMPLOYEE ENTRY**

Date: 08-10-2019

OFFICE OF THE DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS GOVT OF KPK Page No. 2

FOR THE MONTH OF October 2019

DDO Code ⁶
(Cost Center)

PR4895

Description ⁶ ACCOUNT ASSISTANT BPS-12

EMPLOYEE DETAILS			GENERAL DATA CHANGE ¹¹			CHANGE IN PAYMENTS/DEDUCTIONS ¹⁴				Stop Sal.	Effective Date ¹⁹	Remarks ²⁰		
Employees Number ⁷			Employee Name ⁸	NIC Number ⁹	Info Type ¹⁰	Field ID ¹²	New Contents ¹³	Wage Type ¹⁵	Amount					
00358609									SAEED UR RAHMAN				Rupees ¹⁶	Paisa
							RECOVERY OF OVER PAYMENT	3915	21611				Please Start Recovery of over payment of Rs 43222 @ the Rs-21611 per month we - 6 october 2019 to May 2021 in 20 Installment	
							Justification for recovery.						Due to upgrading to Bps-14 from Bps-12, through forged/ bogus notification, connected with finance department Govt of KPK over claim for the amount of Rs. 43222/- should be recovered @ Rs. 21611/- per month and recovery should be also made/started from the month of october, 2019 accordingly.	

Prepared By ²¹

[Signature]
D.D.O
Archaeological Conservator
Directorate of Archaeology & Museums

Audited/Checked By ²²

[Signature]
Entered/Verified By ²³

OVER PAYMENT OF PAY AND ALLOWANCES

IN RESPECT OF MR SAIED UR REHMAN

14

ACCOUNT ASSISTANT BPS-12 IN THE DIRECTORATE
OF ARCHAEOLOGY AND MUSEUMS GOVT OF KPK

PERIOD	SUB HEAD	DUE		DRAWN		DIFFERENCE
		RATE	AMOUNT	RATE	AMOUNT	
DEC 2015 To JUN 2016 7 MONTHS	BASIC PAY	14905	104335	15080	105560	- 1225
JULY 2016 To NOV 2016 5 MONTHS	BASIC PAY	18340	91700	18600	93000	- 1300
DEC 2016 To JUNE 2017 7 MONTHS	BASIC PAY	19140	133980	19580	137060	- 3080
JULY 2017 To NOV 2017 5 MONTHS	BASIC PAY	22920	114600	23370	116850	- 2250
DEC 2017 To NOV 2018 12 MONTHS	BASIC PAY	23880	286560	24540	294480	- 7920
DEC 2018 To SEP 2019 10 MONTHS	BASIC PAY	24840	248400	25710	257100	- 8700
TOTAL BASIC PAY	BASIC PAY		979575		1004050	- 24475
DEC 2015 To JUNE 2018 31 MONTHS	HOUSE RENT	1960	60760	2214	68634	- 7874
JULY 2018 To SEP 2019 15 MONTHS	HOUSE RENT	2940	44100	3321	49815	- 5715
TOTAL HOUSE RENT			104860		118449	- 13589
DEC 2015 To SEP 2019 46 MONTHS	ADHOC RELIEF 2015	373	17158	377	17342	- 184
JULY 2016 To NOV 2016 5 MONTHS	ADHOC RELIEF 2016	1834	9170	1860	9300	- 130
DEC 2016 To SEP 2019 34 MONTHS	ADHOC RELIEF 2016	1914	65076	1958	66572	- 1496
TOTAL A.R 2016	ADHOC 2016		74246		75812	- 1626
JULY 2017 To NOV 2017 5 MONTHS	ADHOC RELIEF 2017	2292	11460	2337	11685	- 225
DEC 2017 To NOV 2018 12 MONTHS	ADHOC RELIEF 2017	2388	28656	2454	29448	- 792
DEC 2018 To SEP 2019 10 MONTHS	ADHOC RELIEF 2017	2484	24840	2571	25710	- 870
TOTAL	A.R 2017		64956		66843	1887
JULY 2018 To NOV 2018 5 MONTHS	ADHOC RELIEF 2018	2388	11940	2454	12270	- 330
DEC 2018 To SEP 2019 10 MONTHS	ADHOC RELIEF 2018	2484	24840	2571	25710	- 870
TOTAL	A.R 2018		36780		37980	- 1200
JULY 2019 To SEP 2019 3 MONTHS	ADHOC RELIEF 2019	2484	7452	2571	7713	- 261



DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR

12

No. _____ / Archymus

C/O Peshawar Museum Peshawar

Dated: _____

Ph. # 091-9211194, 9211488
Fax # 091-9210690

OFFICE ORDER

I am directed to constitute a committee of the following officers/official of Directorate of Archaeology and Museums to conduct an inquiry against Mr. Saeed ur Rehman, Accounts Assistant, City Museum Peshawar regarding illegal upgradation and misappropriation in accounts maintained by him.

1. Mr. Muhammad Ismail Khattak Chairman
D.D.O
Directorate of Archaeology &
Museums Peshawar.
2. Mr. Khalid Khan Member
Office Assistant
Directorate of Archaeology &
Museums Peshawar.
3. Mr. Fazal Maula Member
Office Assistant
Dir Museum Chakdara.

The committee is further directed to complete the said task within 07 days and submit report to this Directorate.

Litigation Officer

Endst. No. 252-54/A34 / Archymus
Copy to:

Dated 10/9/2020

1. Director, Archaeology & Museums Govt. of Khyber Pakhtunkhwa for information w/r to his direction.
- ✓ 2. Officers/official concerned for compliance.
3. Mr. Saeed ur Rehman, Accounts Assistant, City Museum Peshawar with the direction to appear before the committee.


Litigation Officer

13

To,


The Director,
Archaeology and Museums,
Directorate of Archaeology and Museums
Peshawar.

Subject:- AUDIT REPORT/INQUIRY FOR THE YEAR 2015-16 AND 2018-19.

Reference to this Directorate letter No.252-54/A-34 dated 10-09-2020. The undersigned was nominated Chairman of the inquiry committee. In this regard, two other members Muhammad Khalid Khan Office Assistant Directorate of Archaeology and Muesums and Fazal Maula Office Assistant Dir Museum Chakdara were also part of the said committee. Later on before starting, the inquiry Muhammad Khalid Khan Office Assistant submitted an application to exempt himself from the committee and after approval of his application, the committee remained incomplete.

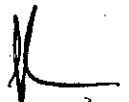
In this regard it is requested, that if the Office/Directorate intends to conduct the audit inquiry of the said period then it is kindly requested that another Committee may please be Constituted.


Your Faithfully

 21/10/20
Muhammad Ismail Khan
(Chairman of the Committee)

Noor Khan of Peshawar Museum
is hereby nominated as a
member.

Chairman of the Committee.


21/10


21/10/2020

To

✓
The Chairman Committee,
Directorate of Archaeology and Museums,
Government of Khyber Pakhtunkhwa.

(14)
Diary No 7526
Date 03/11/2020
Directorate of Archaeology
Govt of K.P.K

Subject: AUDIT REPORT INQUIRY

Dear Sir

In compliance of the Directorate Archaeology and Museums office order No. 252-54/A-39/ Archymus dated 10-09-2020, the Committee Members have submitted their of inquiry regarding the audit paras of the accounts record in respect of Directorate of Archaeology and Museums, Government of Khyber Pakhtunkhwa with the following mentioned detail:-

Para No.	Description of Para	Confirmed	Remarks
1-	Upgradation from BPS-12 to BPS-14, through bogus notification	Confirmed	Reverted and recovery made by Pay fixation party
2-	Non-availability of stock registers for the period of last four years	Confirmed	Not produced the Stock register
3-	Non assurance of purchase, repair & payments to the concerned employees/dealers.	Confirmed	No receiving/sign or receipt of the concerned dealer
4-	Non reconciliation of expenditure, cash book & expenditure statement.	-----	10% of the record is hereby checked out and found correct
5-	Illegal claim under head A03303- electricity charges.	Confirmed	Contingency bill have been passed through head AO3303
6-	Purchase of furniture under head A09601-purchase of furniture,	Confirmed	i. Non concerned purchased i.e. Instead of Pak German. ii. not available on stock register + not concerned received
7-	Illegal claim under head A03805-TA.	Confirmed	Attendance certificate are not available
8-	Unnamed, undated & unsigned vouchers & bills	Confirmed	Most of the bills are found unnamed
9-	Exceeding from delegated power under head A03808-convaynce charges.	Confirmed	Checked out by the committee and found it correct

Furthermore, the committee members have found Mr. Saeed ur Rehman Account Assistant guilty and the following penalties are hereby suggested under efficiency and disciplinary rules, 2011.

Penalties:

- (15)
- i. Censure;
 - ii. Withholding, for a specific period, promotion or increment subject to a maximum of three years, otherwise than for unfitness for promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post:

Provide that the penalty of withholding increments shall not be imposed on a Government servant who has reached the maximum of his pay scale:

- iii. Recovery of the whole or any part of any pecuniary loss caused to Government by negligence or breach of order;

Fazal Maula

Assistant

Member Inquiry Committee

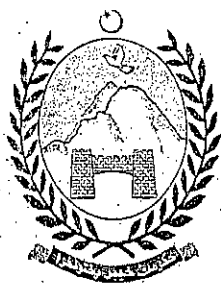
31/11/2020

Noor Khan

Assistant Research Officer

Member Inquiry Committee

Copy forwarded for information to Director Archaeology and Museums Govt: of Khyber Pakhtunkhwa, Peshawar.



116

**DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR**

No. _____ / Archymus

C/O Peshawar Museum Peshawar

Dated: _____

Ph. # 091-9211194, 9211488

Fax # 091-9210690

SHOW CAUSE NOTICE

To

Mr. Saeed Rehman
Account Assistant,
City Museum, Gor Khatri Peshawar.

1. I Dr. Abdul Samad, Director, Directorate of Archaeology & Museums, Peshawar hereby charge you for the illegal act or omissions recommended by Audit Committee (copy enclosed) and confirmed by enquiry committee (Copy enclosed).

That you committed the following acts of gross misconduct.

1. That you up-graded yourself from BPS-12 to BPS-14, through bogus and forged notification.
2. That you had not maintained any stock register for a period of 4 to 5 years.
3. That you had not provided assurance of purchases, repairs and payments to the employees/dealers provided by you regarding contingent charges, bills and vouchers.
4. That you have illegally withdrawn amount from the electricity head No. A03303 for purchase of electronic items.
5. That you withdrawn the amount Rs. 60,000 under head No. A09601 for purchase of furniture without the enlisted bidder of this directorate, neither any furniture was purchased by you nor entered into stock register (for furniture).
6. That you also withdrawn travelling allowance under head No. A03805, the amount of Rs.1,24,963 as a TA but you did not submit any report, supporting documents or justification etc.
7. Claims and pared bills which are unnamed and unsigned vouchers.
8. Exceeding from delegated power under head A03808-conveyance.

2. By reason of the above, you appear to be guilty of gross misconduct under rule 2(1) (IV) (VI) (V) read with rule 3(b) of the Khyber Pakhtunkhwa government servant (Efficiency and Discipline) Rules, 2011, and the enquiry committee recommended the following penalties.

- i. Censure;
- ii. Withholding, for a specific period, promotion or increment subject to a maximum of three years, otherwise than for unfitness for promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post:

Provide that the penalty of withholding increments shall not be imposed on a Government servant who has reached the maximum of his pay scale:

- iii. Recovery of the whole or any part of any pecuniary loss caused to Government by negligence or breach of order;

3. Intimate whether you wish to be heard in person.

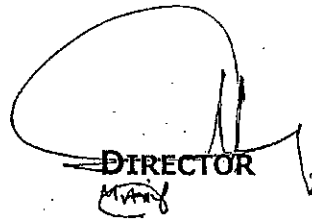
4. Your written reply to the Show Cause Notice should reach the undersigned within 14 days of this Notice, failing which ex-parte decision shall be taken against you.

Endst. No. 818-20/A-57 / Archymus
Copy to:-

DIRECTOR

Dated 4/12/2020

- 1. Superintendent (Estab), Directorate of Archaeology & Museums, Peshawar.
- 2. Incharge, City Museum Gor Khatri. Peshawar.


DIRECTOR

To

The Director
Archaeology & Museums
Khyber Pakhtunkhwa,
Peshawar.

Diary No. 7843
Date: 17/12/2020
Directorate of Archaeology
Govt of K.P.K.

Subject: SHOW CAUSE NOTICE.

Dear Sir,

Kindly refer to Show Cause Notice No. 818/A-57 dated 04-12-2020.

- 1) Reply to the said show cause notice is given under: -
 - i. I received a notification from the Finance Department Govt. of Khyber Pakhtunkhwa, wherein the Post of Account Assistant was upgraded from BPS - 12 to BPS - 14. The pay and fixation party when object to my upgradation, I myself immediately refixed my pay in BPS - 12 and stated recovery from my salary. The issued has already been settled and I am now drawing my salary in BPS - 12.
 - ii. It is not the job of Account Assistant to maintain the stock register. The stock registers are already maintained by Assistant and Superintendent namely Mr. Khalid Khan and Mr. Zulfiqar Ali.
 - iii. I made cash payment to different dealers and certified it on the bills/vouchers that the payments have been made by me to the concernd dealers.
 - iv. The electric main wire in the Directorate caught fire due to which electricity supply to the offices were disrupted for 03 to 04 days. I with the permission of Director purchased the wire from the open market and power supply to the offices were restored. The Accountant General Office cleared the bill without any objection.
 - v. The Pak German was unable to supply the requisite furniture immediately. In order to save the amount under the relevant head from lapse, some

ditto officer

*for n. a. }
int up*

17/12

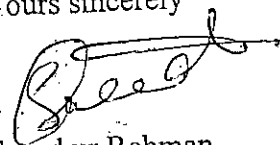
(19)

necessary furniture items were purchased from the local market. Pak German would supply the said items within one year. The Accountant General Office did not object to this purchase and cleared the bill.

- vi. I have claimed all my TA/DAs, under the rule and the Director Archaeology has accorded approval for clearing of all my TA/DAs. Moreover, I have submitted complete reports in this regard, if it is misplaced, I am not responsible for it.
- vii. No payment has been made for unnamed and unsigned bills/vouchers.
- viii. I did not exceed from delegated powers under head A03808 – conveyance.
- 2) In view of my reply, I am not guilty of any misconduct and am not liable to be treated under the Efficiency & Discipline Rules.
- 3) I wish to be heard in person so that I could explain the factual position to the Director Archaeology & Museums.

In view of the above it is requested that the said show cause notice may be withdrawn/filed

Yours sincerely



Saeed ur Rehman
Accounts Assistant

Dated: 17/10/2020



DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR

20

No. _____ / Archymus

C/O Peshawar Museum Peshawar

Dated: _____

Ph. # 091-9211194, 9211488
Fax # 091-9210690

To

Mr. Saeed ur Rehman
Account Assistant,
City Museum Gor Khatri
Peshawar.

Subject: **PERSONAL HEARING**

Memo,

I am directed to refer the above noted subject regarding various

allegations of accounts matter against you.

Therefore, you are hereby directed to appear before the Competent Authority, rescheduled for hearing on **Dated 08-06-2021.**

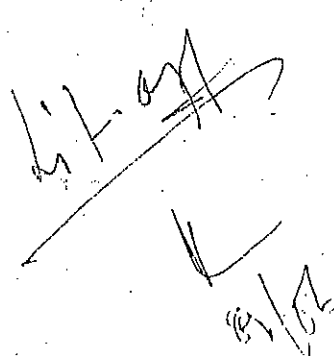
Endst. No. 258-60/A-34 / Archymus
Copy to:

LITIGATION OFFICER

Dated 1/1/2021

1. Director, Archaeology and Museums Govt. of Khyber Pakhtunkhwa for information.
2. Incharge, City Museum Gor Khatri, Peshawar.
3. Official Concerned.


LITIGATION OFFICER


19/03

1. Have you file any appeal against the reversion from BPS-14 to BPS-12.

(21)

Ans. NO.

2. You also did not file appeal against the recovery made by the pay fixation party.

Ans. NO > did not file appeal.

3. Whose duty to maintain stock register.

Ans. Mr. Zulf 1920 Superintendent had maintained stationary stock Register. and Mr. Khalid Khan Assistant has maintained permanent stock Register.

4. What are your duties?

Ans. As a Accounts assistant I have done all the duties related to Accounts - i.e. Reconciliation of A/c, mainting of Cash Book A.G. office and State Bank, F.D. Meetings

5. Do you want to add something into your defense?

No. I have already recorded submitted my written reply.

Speed
8-6-2021



DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR

22

No. _____ / Archymus

C/O Peshawar Museum Peshawar

Dated: _____

Ph. # 091-9211194, 9211488

Fax # 091-9210690

OFFICE ORDER

Whereas, a committee has been constituted against Mr. Saeed ur Rehman for internal Audit of the regular budget of the Directorate for the last four years vide letter No.1683/A-3/Archymus dated 22-07-2019.

Whereas, the internal audit committee submitted report and discovered miss-representation and fraud in the accounts of Directorate and nominated accused/official Saeed ur Rehman, Account Assistant as a principle accused.

Whereas, on the said report, regular inquiry was directed for misconduct committed by the accused/official. In this reason charge sheet and statement of allegations were served to him.

Whereas, the inquiry report was received in due course, which was properly conducted in accordance with the provisions of Govt. of Khyber Pakhtunkhwa Civil Servants (Efficiency & Disciplinary) rules, 2011 and charges against the accused official were proved. On receiving the inquiry report and going through the evidence recorded by the inquiry committee and the relevant record, the accused official was served with a show cause notice under rule 4 of the rules ibid and was asked to submit reply and was also asked to intimate whether he wants to be heard in person. After receiving reply to the show cause notice accused/ official also opted for personal hearing.

Whereas, the accused/ official was personally heard at length.

Whereas, the inquiry report is a comprehensive document and its findings are proper and clear. The inquiry committee found the accused/official guilty of all the charges except non-reconciliation of expenditure cash book and expenditure statement

[Handwritten signature]

33

which were found to be correct, the inquiry committee have concluded that rest of allegations against the accused official are proved.

Now, while agreeing with the inquiry report, the material on record, his acts/behavior/omission and commission are not required to be forgiven on the record. The charges against the accused official are proved making him liable for maximum minor penalty the proved misconduct.

Therefore, minor penalty is awarded to withhold the promotion of the accused/official for a period of three years under rule 4(1) (ii) of the Govt. of Khyber Pakhtunkhwa Civil Servants (Efficiency & Disciplinary) rules, 2011.

1
DIRECTOR

Dated 17/6/2021

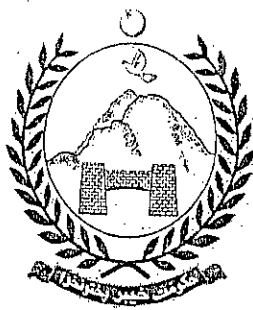
Endst. No. 374-78 / A-34 Archymus

Copy to:

1. PS to Secretary Sports, Cultural, Tourism, Archaeology, Museums & youth affairs for information.
2. Superintendent (Estab), Directorate of Archaeology and Museums, Peshawar.
3. Incharge, City Museum, Gor Khatri, Peshawar.
4. The official concerned.
- ✓ 5. Personal file of the concerned.


DIRECTOR

8. Exceeding from delegated power under head A03808-conveyance.



GOVERNMENT OF KHYBER PAKHTUNKHWA,
SPORTS, CULTURE, TOURISM, ARCHAEOLOGY,
MUSEUMS & YOUTH AFFAIRS DEPARTMENT

13-A Khyber Road, Peshawar



091-9211169



091-9212535



socamu940@gmail.com

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Diary No 10405
Date 09/12/2021.
Directorate of Archaeology
Govt of K:PK

Dated Peshawar, the 3rd December, 2021

ORDER

1843-47

No. SO(M)4-95/2008, **Whereas**, an inquiry under Rule-5 of the Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011, was initiated by the competent authority against Mr. Saeedu-Ur-Rehman, Accounts Assistant (BPS-11) of Directorate of Archeology and Museums Khyber Pakhtunkhwa.

And whereas, the Inquiry Committee constituted for the purpose, after probing into the facts, proved the charges of irregularities/ misconduct leveled against the accused/ official concerned.

And whereas, in order to meet the ends of justice, the accused was afforded an opportunity of personal hearing under Rule-15 of the Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011, on 08-06-2021, who appeared before competent authority on the said date and reiterated his stance taken by him in written defence.

And whereas, the competent authority being unsatisfied of the arguments made/ plea taken by the accused during personal hearing and in written defence, the competent authority imposed on him a minor penalty of withholding promotion for a period of three years under rule-4(1)(ii) of the Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011.

Now therefore, I Muhammad Abid Majeed, Secretary Sports, Tourism, Culture, Archeology & Museums and Youth Affairs/ Appellate Authority after perusal of the record / material available in the case file, hearing proceedings and written defence of the appellant, am of the considered view to uphold the penalty imposed by the competent authority and reject the appeal being devoid of merit in exercise of powers vested in me under Rule-17 of the Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011.

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA,
SPORTS, CULTURE, TOURISM, ARCHAEOLOGY, MUSEUMS &
YOUTH AFFAIRS DEPARTMENT

Share the same with the
concerned officials

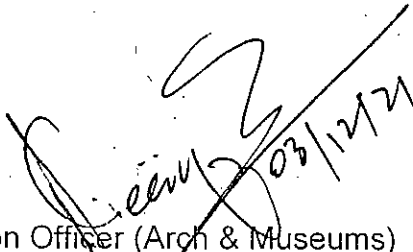
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Endst: number & date even.

Copy is forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director Archaeology & Museums Khyber Pakhtunkhwa Peshawar.
3. PS to Secretary Sports, Culture, Tourism, Archaeology, Museums & Youth Affairs Department.
4. Official Concerned.
5. Personal File.


Section Officer (Arch & Museums)

A+M



DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR

26

No. LIT-68/1197 / Archymus
Dated: 03/11/2022

C/O Peshawar Museum Peshawar

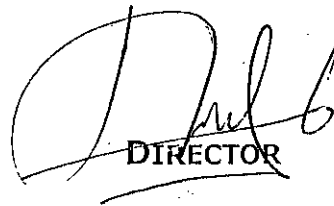
091-9211194, 9211488

091-9210690

info.archaeology@kp.gov.pk

AUTHORITY LETTER

Mr. Muhammad Arif, Litigation Officer, Directorate of Archaeology & Museums Govt. of Khyber Pakhtunkhwa is hereby authorized to attend the Khyber Pakhtunkhwa Service Tribunal, Peshawar, in connection with the case title "**Mr.Saeed-ur-Rehman, Account Assistant(BPS-12) Vs The Secretary Sports, Tourism, Youth Affairs and Archaeology & Museums Department, Khyber Pakhtunkhwa & others**".


DIRECTOR