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**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNALS**

Khyber Pakhtunkhwa
Service Tribunal

CM

in

SA # 5774/2020

Mr. Aman Ullah.....

Diary No. 5638
Dated 29/5/2023
Petitioner

Versus

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

Respondents

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Respondent

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

**CM Application
In
SA # 5774/2020**

1. Secretary to government of Khyber Pakhtunkhwa Higher education department Peshawar.
2. Directorate higher education department of Khyber Pakhtunkhwa Peshawar.
3. Principal Govt: Degree College, Kabal, Swat

.... Applicants.

Versus

Aman Ullah Senior Clerk (BPS-14). Govt: Degree College, Kabal, Swat.

.... Respondent.

**SUBJECT: - CM APPLICATION FOR SUBMISSION OF DOCUMENTS IN
COMPLIANCE OF ORDER DATED 17.04.2023**

Respectfully Sheweth,

1. That the instant case is pending before this Hon'ble Tribunal and was fixed for hearing on 17.04.2023
2. That vide order dated 17.04.2023 this Hon'ble Tribunal directed to provide the entire record of enquiry proceedings.
3. That the entire record of the enquiry proceedings are enclosed herewith as desired by this Hon'ble Tribunal. (**Annexures A - L**)

Prayer:

it is humbly prayed that the instant CM for additional documents desired by this Hon'ble tribunal may be allowed.


Director,
Higher Education Department
Khyber Pakhtunkhwa, Peshawar.

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS

CM

in

SA # 5774/2020

Mr. Aman Ullah..... Petitioner

Versus

Govt. of Khyber Pakhtunkhwa

Through Secretary, Higher Education

& others..... Respondents


AFFIDAVIT

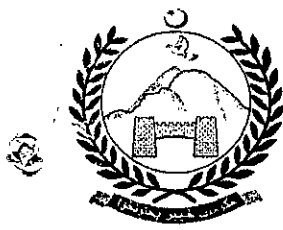
I, Farhan, Assistant (Litigation), Higher Education Department do hereby declare and affirm on oath that the contents are correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

Identified By.

Farhan
Deponent

ATTESTED

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DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA
KHYBER ROAD, PESHAWAR

Tel # 091-9210242 / 9211025 Fax # 091-9211803
E-mail:- dhekpkesh@gmail.com Facebook.com/dhekpkeshwar Twitter.com/dhekpkeshwar1

Dated Peshawar the 4/4/2019

REINSTATEMENT ORDER:

In pursuance of the judgment passed by Khyber Pakhtunkhwa, Service Tribunal, Peshawar on 09-01-2019 in Service Appeal No. 439/2017, the Competent Authority is pleased to reinstate Mr. Aman Ullah, Senior Clerk, Govt; Degree College, Kabal, District Swat, at Government Degree College, Palai against the vacant post with immediate effect. However financial benefits shall be subject to the outcome of the formal enquiry as per the direction of the Honorable Service Tribunal.

DIRECTOR HIGHER EDUCATION

Endst. No 6005-12 /AD (Lit)/HED/SA (439/2017)

Copy of the above is forwarded for information/necessary action to the:-

1. Registrar, Khyber Pakhtunkhwa, Service Tribunal, Camp Court Swat.
2. Principal, Govt; Degree College Kabal, Swat
3. Principal, Govt; Degree College Palai, Malakand.
4. Section Officer (Litigation), Higher Education Department, Khyber Pakhtunkhwa Peshawar.
5. District Account Officer, Malakand.
6. District Account Officer, Swat
7. PA to Director Higher Education Khyber Pakhtunkhwa Peshawar.
8. Official concerned.

*Attested
Jadhav*

(Muhammad Iqbal)
DEPUTY DIRECTOR
(M)

etc



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

Tel # 091-9210242 / 9211025 Fax # 091-9210215
E-mail:- dhekpsh@gmail.com Facebook.com/dhekpshawar Twitter.com/dhekpshawar1

No. 6009-3 AD Lit/DHE/ S.A (439/2017),

Dated Peshawar the 4 / 4 /2019

To

- The Principal,
1. Govt: Degree College, Mathra (Peshawar)
2. Govt: Degree College Lahor, (Swabi)

SUBJECT: INQUIRY AGAINST MR. AMAN ULLAH, SENIOR CLERK GDC KABAL SWAT.

Memo:-

I am directed to refer to the subject cited above and to state that Director Higher Education Khyber Pakhtunkhwa is pleased to appoint you as Inquiry Officer in the case of the above named official & conduct an inquiry under E&D Rules 2011 in the light of attached statement of allegation and charge sheet and point out factual position with recommendation/opinion within 15 days positively for the perusal of Director Higher Education Khyber Pakhtunkhwa.

Muhammad Istikhar
DEPUTY DIRECTOR
(M)

Endst.No 6004-5 / AD Lit/DHE/ S.A (439/2017)

Copy of the above is forwarded for information to the

1. Principal, Govt. Degree College Kabal Swat with the remarks to direct the accused official to appear before the inquiry Officer on the date, time and place fixed by the inquiry Officer for the purpose of Inquiry proceedings with further direction to extend all possible assistance to the Inquiry officer by deputing an Officer/official who is well conversant with the case.
2. Section Officer (Litigation), Higher Education Department, Khyber Pakhtunkhwa, Peshawar.

Muhammad Istikhar
DEPUTY DIRECTOR
(M)

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CHARGE SHEET

I, Mr. Zahoor Ul Haq Shah, Director, Higher Education, Khyber Pakhtunkhwa as Competent Authority, hereby charge you, Mr. Aman Ullah, Senior Clerk, Government Degree College, Kabal Swat as follows:

That you, while posted as Senior Clerk at Government Degree College, Kabal Swat committed the following irregularities:

- i. That you were posted against the vacant post snior clerk at Government Degree College Kabal, Swat on 17-11-2006.
 - ii. That, the then Principal of the college, Professor (Retired) Muhammad Iqbal made you in charge of all kinds of account matters in the college.
 - iii. That, the college Principal noticed huge embezzlements in the college fund after performing internal audit.
 - iv. That, a committee comprising Principal, GC, Daggar and Principal Govt: Postgraduate College, Saidu Sharif conducted an enquiry and held you responsible for the embezzlement of the amount Rs 15,36,403/-.
 - v. In light of the above you appear to be guilty of misconduct under Rule 3 (b) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any penalties specified in rule 04 of the Rule ibid.
 - vi. You are, therefore, required to submit your written defence within 07 days of the receipt of this charge sheet to the inquiry officer, as the case may be.
2. Your written defense, if any, should reach the inquiry officer/committee within the specific period, failing which it shall be deemed that you have no defense to put in and you shall be proceeded exparte.
 3. Intimate whether you desire to be heard in person.
 4. A statement of allegations is enclosed.

*Attested
Zahoor*


(ZAHOOR UL HAQ)
DIRECTOR, HIGHER EDUCATION
KHYBER PAKHTUNKHWA

AC

DISCIPLINARY ACTION

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I, Mr. Zahoor Ul Haq, Director, Higher Education, Khyber Pakhtunkhwa as Competent Authority, am of the opinion that Mr. Aman Ullah, Senior Clerk, Government Degree College, Kabal Swat has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning/Specified in Section-03 of the Government Servant (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS.

- i. That you were posted against the vacant post Senior Clerk at Government Degree College Kabal, Swat on 17-11-2006.
 - ii. That, the then Principal of the college, Professor (Retired) Muhammad Iqbal put you in charge of all kinds of account matters in the college.
 - iii. That, the college Principal noticed huge embezzlements in the college fund after performing internal audit.
 - iv. That, a committee comprising Principal, GC, Daggar and Principal Govt: Postgraduate College Saidu Sharif conducted a fact finding enquiry and held you responsible for the embezzlement of amount Rs 15,36,403/-.
2. For the purpose of Inquiry against the said accused with reference to the above allegations, a formal inquiry committee consisting of the following, is constituted under rule 10(1)(a) of the ibid rules.
 - a. Irfan Ullah Government Degree College, Mathra (Peshawar)
 - b. Bakhtiar Muhammad, Government Degree College Lahor.
 3. The inquiry officer/Inquiry Committee shall, in accordance with the provisions of the Rules, ibid provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
 4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/inquiry committee.


(ZAHOOR UL HAQ)
DIRECTOR, HIGHER EDUCATION
KHYBER PAKHTUNKHWA

Attested
Jalil

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To,
The inquiry committee,

Subject: REPLY TO THE CHARGE SHEET DATED NIL
COMMUNICATED TO THE UNDERSIGNED ON
08.04.2019

Respected Sir,

Reference you charge sheet dated NIL, the undersigned submits my reply for your kind and sympathetic consideration as under:

1. That the undersigned was initially appointed as junior clerk on 01.11.1984 in education department was posted at Government High School Besham Mera in the then District Shangla.
2. That ever since my appointment, I had performed my duties as assigned with zeal and devotion and has never given any chance of complaint whatsoever regarding my performance.
3. That I at the very outset deny the allegations leveled against me as false, and baseless. The charges so leveled against me are based on mis-conception and are liable to be struck down.
4. That it has been alleged that I was given control by the then Principal over the account matters, is not true. With great respect it is submitted that I was mere clerk in the accounts department while the Principal was the controlling authority and the drawing and disbursing officer for all intents and purposes.
5. That it has also been alleged that some embezzlement was committed in the college fund, however I was not aware of any such embezzlement. The alleged incident took place on 05.07.2007 while the letter has been issued on 19.04.2008 after nine months. The principal was the DDO and being DDO he used to check the accounts every month. Had there been any such embezzlement on the part of the undersigned, the principal would have brought it in the knowledge of the high ups. If there were any embezzlement why he kept mum for nine long months. In-fact if at all there were any embezzlement, it would be committed by the Principal and the undersigned was made a scapegoat as was mentioned by the August Supreme Court of Pakistan.
6. The factum of checking the accounts once in a month was admitted by him during his statement before the special judge

*Attested
Jahangir*

anti corruption/ trial court. When the drawing and disbursing officer was the principal then how can the undersigned be responsible for any embezzlement. Accounts maintaining, fund raising and most importantly, the supervising of expenditure was the responsibility of the principal. The principal used to check the cash book from time to time and after each check he used to endorse his signature on the same. The undersigned had no authority from the principle to withdraw money from bank. So, for the reasons cited above, the allegations regarding the involvement of the undersigned in embezzlement is strongly denied.

- 7. That so far the constitution of fact finding inquiry is concern, it did not adopted the procedure which was required under the law to be followed, the statement of the principal was not recorded, and if recorded I was not allowed to cross examine him. The inquiry committee conducted a partial inquiry, I do not know whom else recorded their statement before the inquiry committee what record was brought and presented before the committee which could connect the undersigned with the embezzlement. Both the inquiry members conducted separate inquiries on different dates which was also illegal. It is also pertinent to mention here that the report of fact finding inquiry was also not provided to me so that I could know on what grounds I was held responsible for the alleged embezzlement.
- 8. That although later on I was convicted by the special judge anti corruption vide order dated 05.09.2013, however the same was setaside by the Honorable judge Darul Qaza Swat vide order and judgment dated 29.04.2014. The Honorable Court very minutely discussed the issues and exonerated the undersigned from the charges of embezzlement leveled against him and acquitted him vide the said order.
- 9. This fact was also observed by *the August Supreme Court of Pakistan* that *"it is evident from the record that the accounts of the relevant institution were regularly checked by the Principal of the said institution him self and he never found any embezzlement in the accounts"*. The Apex courts further observed that *"the FIR in this case had been registered after about 8/9 months of unearthing of the alleged embezzlement which indicates that the respondent No. 1 (the undersigned) could well have been made a scapegoat"*. The August Supreme Court also dismissed the appeal and upheld the order and judgment dated 29.04.2014 of the Honorable Dar ul Qaza Swat whereby the undersigned was acquitted.
- 10. I have performed my duties through out my service career with punctuality and honesty. My whole service record which was more than 25 years would reflect that there was not a single complaint regarding the embezzlement.

Attested
Jalil

11. That I had a spotless service career at my credit, during my entire service I have performed my duties with zeal, devotion and sincerity and have always kept the interest and integrity of my department.

12. That I also desire to be heard in person.

It is, therefore, humbly prayed that on acceptance of this reply, the subject charge sheet may kindly be dropped and I may be exonerated of the charges leveled against me.

Received on
20/4/2019

[Signature]
20/4/19

Yours obediently,

[Signature]

Aman ullah
Senior Clerk
presently posted at GDC Pallae
Malakand

Dated: 15/4/2019

Attested
[Signature]

Mansoor

Process immediately 23/4/19

F

RECEIVED
23 APR 2019
5858 Page # 2 of 2

Ref Page 12

The Director
Higher Education
Khyber Pakhtunkhwa, Peshawar.

Subject: INQUIRY AGAINST MR. AMANULLAH SENIOR CLERK GOVT. DEGREE COLLEGE KABAL, SWAT.

DATE OF INQUIRY: 08-04-2019

PLACE OF INQUIRY: GOVT DEGREE COLLEGE KABAL, SWAT

INQUIRY OFFICERS: (i). Prof Irfan Ullah
Principal Govt. College Mathra, Peshawar
(ii). Prof. Bakhtiar
Principal Govt College Lahore, Swabi

Terms of Reference: Appointment Letter + Statement Allegation + Charge Sheet.

Procedure: Interview in Person and Examination of Accounts record.

BRIEF HISTROY OF THE CASE:

Govt Degree College Kabal, Swat was established in the year 2006 and Mr. Aman Ullah was transferred to this college on 17/11/2006 and posted against the vacant post of Senior Clerk. Mr Muhmmad Iqbal (The then Principal Govt Collge Kabal, Swat) assigned responsibilities of all kinds of Account matters pertaining to the college to Mr. Amanullah(The accused Senior Clerk) through an office order dated 07/12/2006. In 2008, the then Principal realized that college funds were not properly maintained and utilized. The then Principal immediately constitute an internal audit committee of the college Professor who digged out misappropriation/embezzlement in the college funds. The matter of embezzlement was reported to the Director Higher Education, Khyber Pakhtunkhwa Peshawar who directed the then Principal to lodge FIR against Mr. Amanullah. Mr. Amanullah was arrested by the local Police by lodging FIR against him on 19/04/2008. After preliminary investigations, the Police referred the case to Anti-Corruption department. The Anti- corruption Department carried out audit of the college Account and found that huge amount of Rs. 1913786/- had been misappropriated/embezzled by the then senior clerk, Mr. Amamnullah. The anti-corruption department referred the embezzlement case to the court of special Judge Anti-corruption Khyber Pakhtunkhwa at Swat. The Honorable special judge anti-corruption decided the case against Mr. Amanulah. Mr.Amanullah filed appeal in Honorable Peshawar High Court Bench. Dar -Ul- Qaza at Mingora, Swat against the Judgment passed by special judge Anti-corruption. The Honorable Peshawar High Court Bench. Dar -Ul- Qaza, Swat directed the secretary Higher Education Department Govt: of Khyber Pakhtunkhwa to prob ino the matter and recover the embezzled amount from Mr. Amanullah (The accused Senior Clerk). In light of the directives, issued by honorable Peshawar High Court Bench Swat. The fact finding inquiry was conducted by the then special Secretary Higher Education Archives & Library Department along with Director, Directorate of Archives & Libraries and deputy dorector (colleges) Directorate of Higher Education.

PROCEEDINGS:

In Compliance With The Directives Of The Director Higher Education Khyber Pakhtunkhwa, Peshawar vide the letter No:6502-3/Ad-lit/DHE/SA(43a/2017) dated 04/04/2019, the inquiry committee comprising of Professor Irfan Ullah (Principal Govt. College Mathra Peshawar) and Professor Bakhtiar (Principal Govt. College Lahor Swabi) visited Govt. Degree Collge Kabal Swat on 8/4/2019 in order to dig out the factual position about the illegation level against Mr. Amanullah, the then senior Clerk of the Govt Degree College kabal Swat.

Mr. Muhammad Iqbal (The Then Principal) and Mr. Amanullah (The Accused Senior Clerk) were contacted telephonically to appear before the inquiry committee at Govt. Degree College Kabal Swat on 8/4/2019. Mr. Amanullah (the accused Clerk) was also served with charge sheet and was given full liberty and ample opportunity to offer his defence. The afore mentioned officer /official were also provided opportunity of personal hearing and cross examination and recorded their statement.

A. Mr. Muhammad Iqbal (Retired) , the then Principal GDC kabal (Swat).

Mr. Muhammad Iqbal took charge of the office of Principal at Govt. College Kabal swat on 1/9/2006 and got retirement on 3/8/2011 on superannuation. Mr. Muhammad iqbal told the inquiry committee that he assigned responsibilities of all kinds of accounts matter pertaining to the college to Mr. Amanullah through on office order dated 7/12/2006.

Attested
Jalany

Mr. Muhammad Iqbal told the committee that in early 2008, he sensed misappropriation/Embezzlement in the college funds, Therefore he constituted an audit committee of the local college Professors, who digged out misappropriation/embezzlement amount of Rs. 1574089/-. The Principal told the committee that when Amanullah was informed about the embezzlement amount, he come to the college and signed a pardon deed on Judicial stamp paper in presence of witness and promise in written that he will return the embezzled amount upto 01/05/2008(Annex-A).

When asked about the cheque book of Private funds, Mr. Muhammad Iqbal replied that it was under the custody of Mr. Amanullah, Mr. Muhammad Iqbal informed the inquiry committee that Mr. Amanullah had drawn Rs.30,5000/- from the National Bank Kabal Branch under fake signature of the D.D.O (The Then Principal Mr. Muhammad Iqbal) through various cheques bearing No:686641 date 11/3/2007 for Rs. 40,000/- bearing no: 686642 Dated: 05/11/2007 for Rs. 15000/- and bearing No: 686643 dated: 11/12/2007 for Rs. 250,000/- (Records of cheques were in custody of the Anti-corruption department). The entire amount was misappropriated.

It was also brought into the notice of the inquiry committee that amount of Rs.400,000/- had been granted to the college in ADP Scheme during the Year 2006-2007 for Purchase of the furniture but the entire amount was misappropriated by the then senior clerk, Mr. Amanullah. The committee was informed that bank draft of Rs.20,000/- bearing No:742966 dated 05/07/2007 issued in the name of National Book foundation. Mr. Amanullah after tempering, produced the same Bank draft bearing No.742966 for a payment of Rs.400,000/- to Pak-German wood working Timergara. The tempered bank draft was duly verified by the Manger National bank of Pakistan main branch Saidu Sharif, Swat. (Copy of Bank Draft Also in custody of Anti-corruption deptt).

The Committee was also informed that soon after the establishment of Govt Degree Collge Kabal Swat, the admission in first year and 3rd Year classes were carried out by Govt Post Graduate Jehanzeb Collge, Swat. The admissions in first year & 3rd Year class for the next session 2007-2008 were carried out by Govt Degree College Kabal. The amount of Rs. 70700/- realized from the sale of prospectus were not deposited in the college account and thus misappropriated/ embezzled by Mr.Amanullah.

B. Mr..Amanullah, The Accused Senior Clerk, G.D.C Kabl, Swat.

Mr. Amanullah took charge on 6/11/2006 at Govt Degree College Kabal, Swat against the vacant post of senior clerk. Mr. Amullah assured the inquiry committee that he had been shouldered responsibilities of all kind of accounts matters pertaining to the college through an office order dated 7/12/2006 and since then he was performing his duties honestly and efficiently. He replied that in early 2008, the then Principal conducted an audit of college accounts through college professors and they charged me for embezzlement of Rs.1574089/-. The Anti-corruption establishment also held me responsible for embezzlement Rs.1913786/-. He also told the committee that record of the relevant account was in his custody.

On inquiring about the cheque for Rs.400,000/- issued in the name of Pak-German wood working Timergara, he replied that the drawl of the aforementioned amount was made through AC bill and cheque sent to Pak-German Timergara, but he failed to produced AC bill and copy of the said cheque.

When aske about the pardon deed, Mr. Amanullah replied that he signed pardon deed on 16/04/2008 under pressure in the custody of Police. The officers/official who signed the pardon deed as witness are also summoned by the inquiry committee and obtained written statement from them(Annex - B)

It is important to mention that pardon deed was signed by Mr. Amanullah on 16/4/2008 while FIR was lodged against him on 19/04/2008(Annex- C)

When asked to produce the approval of the Principal for Rs.40,000/- for Rs.15000/- and for Rs. 250,000/- that had been drawn through cheques bearing No.686641,686642 and 686643 ,Mr.Amanullah denied that he had no record.

C. Calculation of Realized Amount from Students, Expenditure Incurred and Misappropriated/Embezzled Amount.

The inquiry committee checked admission withdrawal register, Private funds register, Govt funds register and cash book register for the Period 2006-2007 & 2007-2008 and found significant shortcomings on these registers. The cash book register for the period Oct 2006 to

Handwritten notes:
Khan
Attached
Furniture
Jaffrey

May 2008 was thoroughly checked and found no entry of Challan/Pay of establishment/AC Bills/TA Bills/Electricity Bills/Telephone Bills and newspaper bills etc.

Discrepancy between the amount realized from the students at the time of admission & the amount deposited in the college account was also noticed by the inquiry committee.

The following table shows the amount realized from the students under the heading Private funds & Govt funds .

Realized amount in Private/Govt funds for Session 2006-2007

PRIVATE FUND					GOVT FUND	
Class	Faculty	No. of students admitted	Rate of deduction of private funds	Total Amount realized	Rate of Deduction of Govt Funds	Total Amount Realized
First Year	Science	219	219x840=Rs183960/-	Rs321720/-	219x530=Rs116070/-	Rs 194790/-
	Arts	164	164x840=Rs137769/-		164x480=Rs78720/-	
3 rd Year	Science	75	75x1250=Rs93750/-	Rs306750/-	75x690=Rs51750/-	Rs143700/-
	C/Science	30	30x2350=50Rs70500/-		30x690=Rs20700/-	
	Arts	14	114x1250=Rs142500/-		114x625=Rs71250/-	
Total				Rs628470/-		Rs334490/-

Realized Amount in Private funds/Govt funds for session 2007-2008

PRIVATE FUND					GOVT FUND	
Class	Faculty	No. of students admitted	Rate of deduction of private funds	Total Amount realized	Rate of Deduction of Govt Funds	Total Amount Realized
1 st Year	Science	156	156x910=Rs141960/-	Rs458340	156x530=Rs82680/-	Rs209070/-
	C/Science	51	51x2510=Rs128010/-		51x530=Rs27030/-	
	Arts	207	207x910=Rs188370/-		207x480=Rs99360/-	
2 nd Year	Science	179	179x300=Rs53700/-	Rs85800/-	179x530=Rs94870/-	Rs141230/-
	Arts	107	107x300=Rs32100/-		107x480=Rs51360/-	
3 rd Year	Science	84	84x1250=Rs105000/-	Rs295400/-	84x690=Rs57960/-	Rs135195/-
	C/Science	19	19x2850=Rs54150/-		16x690=Rs13110/-	
	Arts	109	109x1250=Rs136250/-		109x625=Rs68125/-	
4 th Year	Science	57	57x300=Rs17100/-	Rs46200/-	57x690=Rs39330/-	Rs100995/-
	C/Science	16	16x300=Rs4800/-		16x690=Rs11040/-	
	Arts	81	81x300=Rs24300/-		81x625=Rs50625	
Total				Rs885740/-		Rs594490/-

SUMMARY OF EMBEZZLEMENT

a. Private (Pupil) Funds:

Total Amount realized during the session 2006-7/2007-8	Rs: 1514210/-
Amount realized from the sale of prospectus	= (+) Rs 70700/-
Total realized Amount	=Rs: 1584910/-
Registration of students (Board/University) and other Miscellaneous expenditure	=(-) Rs 405533/-
Amount available in college Account an 1/11/2000	=(-) Rs 345948/-
Embezzled Amount	= Rs 833429/-

b. Govt. Funds

Total realized amount during the session 2006-7/2007-8=Rs933980/-	
Amount deposited in treasury	= Rs564800/-
Embezzled Amount	=Rs: 369180/-

c. Total Embezzled Amount in ADP Scheme

The Gross Embezzled amount is calculated as follows:	
i. Embezzlement in pupil funds	=Rs 833429/-
ii. Embezzlement in Govt funds	=Rs 369180/-
iii. Embezzlement in ADP Scheme	=Rs 400,000/-
Gross Embezzlement	=Rs: 1602609/-

Attested by [Signature]

FINDINGS:

Consequent upon examining the entire relevant available record of the instant case, facts finding report, charge sheets and arguments made by the accused Senior Clerk, Mr. Aman ullah and the then Principal (retired) Mr. Mohammad iqbal including Personal hearing, the following facts were noticed

1. The Incident is not only the case of embezzlement but also a case of negligence on the Part of the then Principal, Mr. Mohammad iqbal as he failed to check the college account on regular basis and failed to check the activities of the accused clerk Mr. Aman Ullah with vigilant eye.
2. The Incident took Place due to the fact that the then Principal did not bother to appoint college bursar, who is bound to check the Income and expenditure of the college account on monthly basis.
3. It was found that cheque book of Private funds was in custody of Mr. Aman Ullah who made drawls of Rs: 305000/- from the college account through various cheques bearing no 686641 dated 11/3/2007 for Rs: 40,000/-, no 686642 dated 05/11/2007 for Rs: 15000/- and no 686643 dated 11/12/2007 for 250,000/- by inserting fake signatures of the then Principal, Mr. Mohammad: Iqbal.
4. The Involvement of the concerned staff of National Bank of Pakistan, Kabal branch who Processed and verified the signature of the Principal on the cheques bearing no 686641 dated 3/11/2007, no 686642 dated 5/11/2007 and no: 686643 dated 11/12/2007. Cannot be ignored.
5. It was also found that Govt degree college Kabal was granted Rs 400,000 /- in ADP Scheme during the Year 2006 – 2007 for Purchase of furniture. The entire amount was embezzled by the then Senior Clerk, Mr. Aman ullah, by Producing a Photo copy of a tempered Bank Draft bearing no 742966 dated 05/07/2007 in the name of Pak-German wood working, timergara. It is important to mention that the aforementioned Bank Draft bearing no 742966 had already been issued in the name of National Book foundation for Rs: 20,000 /- which was verified by the Manager National Bank of Pakistan main branch saidusharif Swat.
6. The actual loss of amount could be more than Rs: 1602609 /- because some relevant record of accounts was found missing. Since Mr. Aman ullah was the dealing Clerk, therefore he was duty bound to keep the record in his custody/ under lock. Mr. Aman ullah is fully held responsible for missing of the relevant record.
7. It was found that Rs: 70700 /- realized from the sale of college Prospectus at the time of admission in the college, but the Said amount was not deposited in the college account and thus misappropriated by the then Senior Clerk, Mr. Aman Ullah.
8. Mr. Aman Ullah, the accused senior Clerk confessed the embezzlement as is evident from the Parden deed duly. Signed by him in presence of witnesses.

Recommendations:

After thoroughly examining the instant case of Mr. Aman Ullah, the inquiry committee reached to the conclusion that.

1. Mr. Aman Ullah, was the custodian of the cheque book of private funds and all other relevant records of the college account, therefore he is held responsible for the entire embezzlement.
2. Release of back benefit to Mr. Aman Ullah is subject to the condition that embezzled amount of Rs. 1602609/- may be recovered from him.
3. The inquiry committee also recommends imposition of minor penalty of stoppage of two increments for 2 years upon Mr. Aman Ullah.

The competent authority / Director Higher Education Khyber pakhtunkhwa may like to Pass or as deemed appropriate

*Attested
Jalil*

[Signature]
Irfan Ullah
(Inquiry Officer)
Principal
Govt. Degree College Mathra
Peshawar

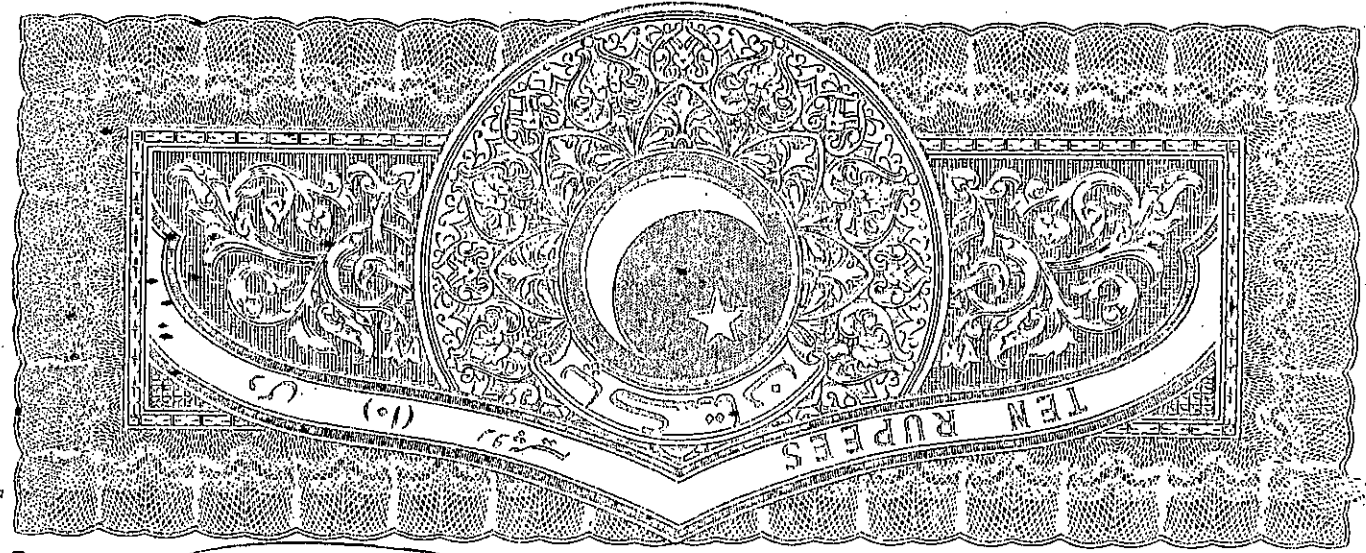
[Signature]
Bakhtiyar Khan
(Inquiry Officer)
Principal
Govt Degree College Lahor
Swabi

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10 RS

PAKISTAN

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Principal
Kahal, Swat
Gov. Degree College
Cammber Swat

Prof. Rehman
Lect. in Zoology
Gov. Degree College
Kahal, Swat
Gov. D.C. Kabal, Swat.

Lect. in Zoology
Gov. Degree College
Kahal, Swat
Principal
Gov. Degree College
Kahal, Swat

Gov. Degree College
Kahal, Swat
Gov. Degree College
Kahal, Swat

Asst. Professor
Gov. Degree College
Kahal, Swat
Gov. Degree College
Kahal, Swat

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4268
13/4/08

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فارم نمبر ۲۳-۵ (۱)

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۲ مجموعہ ضابطہ فوجداری

ضلع	سوات	کسب	21
تاریخ	۱۹/۰۴/۰۸	عد	106
مقام معلوم	کابل	وقت رپورٹ	۱۹/۰۴/۰۸ بر وقت ۱۷:۱۵
موضوع	میرنس گورنمنٹ ڈگری کالج کسب سوات	مذاکرہ شدہ مستغنیث	
	۴۰۹ / ۱/۲ p.c. Acc.	تیزم (معدومہ اجال اگر پتہ لایا گیا ہو۔)	
	GDC کسب لیسٹ ۱/۲ ڈاکٹ جانتا صرف ارضیات	مفاصلہ تھانہ سے اور دست	
	امان اللہ منیر میزک GDC کسب	تیزم	
	میر سردار علی گھنجا انگریزی لبر 371 حشر ضابطہ فوجداری	فتیش کے متعلق کیٹی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو	
	میرسین ڈاک	واگی کی تاریخ و وقت	

ابتدائی اطلاع نیچے درج کرو۔ ایک نمبر میرسین گھنجا انگریزی لبر 371 حشر ضابطہ فوجداری ۱۹.۴.۰۸

میرنس گورنمنٹ ڈگری کالج کسب بر وقت بالا اصول میزک جکا متن ذیل ہے

OFFICE OF THE PRINCIPAL GOVT, DEGREE COLLEGE KABAL DIST. SWAT
 Enclst No-371 Dated-19.4.08. TO The S.H.O Kabal SWAT. Subj: REQUEST FOR LODGING FIR. Memo, your attention is invited towards the involvement of Mr. Amanullah S/ clerk of this college in mass embagglment / misappropriation. (A draft of Rs. 40000/- in the name of Pak German wood working Tamegara for the supply of furnit issued on 5/7/2007 was not received by the said firm when I same clerk was asked, he confessed that he has used the mon for personal purposes (Xerox copy of the draft) is attached.

② Cheques Nos. 686607, 686641, 686642, 686643 worth of Rs 22996 4000/-, 15000/- and 25000/- respectively cashed from Privat fund (NBP Kabal) by fake signatures. Others will be detected after analysing the bank record. ③ Other misappropriation which is in lacs, will be sorted out from the college record.

Sd: Principal Govt, Degree College Kabal Distt: Swat

میرنس گورنمنٹ ڈگری کالج کسب بر وقت بالا اصول میزک جکا متن ذیل ہے
 امین اللہ منیر میزک GDC کسب لیسٹ ۱/۲ ڈاکٹ جانتا صرف ارضیات
 میر سردار علی گھنجا انگریزی لبر 371 حشر ضابطہ فوجداری

Attended
Jawary

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

I

Tel # 091-9210242 / 9211025

Fax # 091-9210215

E-mail:- dhekpkpesh@gmail.com

Facebook.com/dhekppeshawar

Twitter.com/dhekppeshawar1

No. 11815-16 / AD (Litigation)/SA# 439/2017 (Aman Ullah)

Dated Peshawar the 28/5 /2019

To

1. The Principal,
Government Degree College,
Palai (Malakand).
2. The Principal,
Government Degree College,
Kabal (Swat).

SUBJECT: SHOW CAUSE NOTICE.

Memo:

I am directed to enclose herewith a copy of Show Cause Notice duly signed by the Director, Higher Education, Khyber Pakhtunkhwa in respect of Mr. Aman Ullah, Senior Clerk of your college with the request that the same may be served upon the accused official and return one copy after obtaining his signature as token of receipt to this office at an early date.

Encl: As above:

M
28/5/19
 (Muhammad Iftikhar)
DEPUTY DIRECTOR
(M)

Endst.No 11817-20 / AD (Litigation)/SA# 439/2017 (Aman Ullah)

Copy of the above is forwarded to the:-

1. Section Officer (Litigation), Higher Education Department, Khyber Pakhtunkhwa.
2. Deputy Director (IT), Local Directorate with the remarks to electronically circulate the letter to concerned.
3. CA-VII (Establishment Branch), Local Directorate.
4. Mr. Aman Ullah, Senior Clerk, Government Degree College, Palai (Malakand).

*Attested
for
[Signature]*

M
28/5/19
 (Muhammad Iftikhar)
DEPUTY DIRECTOR
(M)
o/c

SHOW CAUSE NOTICE

I, Zahoor Ul Haq, Director Higher Khyber Pakhtunkhwa as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Aman Ullah, Senior Clerk Government Degree College, Kabal, Swat, as follows:-

- (i) That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing.
- (ii) On going through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the said inquiry Committee.

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

- a) Mis-conduct.
- b) In-Efficiency.

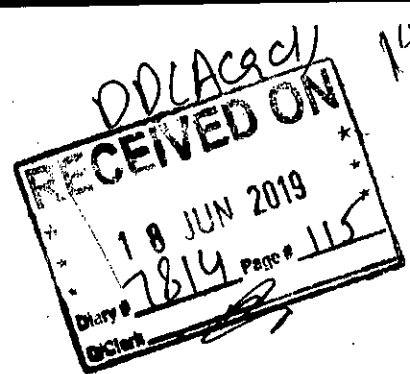
- 2. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalty of REMOVAL FROM SERVICE ALONG WITH RECOVERY OF RS 1602609/- under rule 4(b) (iii) of the said Rules.
- 3. You are, therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
- 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 the findings of the inquiry Officer is enclosed.

*Attested
Zahoor*

(Signature)
(ZAHOOR UL HAQ)
DIRECTOR HIGHER EDUCATION

Key

J



To,

The Director Higher Education
Peshawar,

Subject: REPLY TO THE SHOW CAUSE NOTICE DATED
28.05.2019 COMMUNICATED TO THE
UNDERSIGNED ON 31.05.2019

Respected Sir,

I very humbly submit my reply to the subject Show Cause Notice as under:

1. That the undersigned was initially appointed as junior clerk on 01.11.1984 in education department was posted at Government High School Besham Mera in the then District Shangla.
2. That ever since my appointment, I had performed my duties as assigned with zeal and devotion and has never given any chance of complaint whatsoever regarding my performance.
3. That while serving in the said capacity I was served with a charge sheet dated NIL, containing certain false and baseless allegations. I duly replied the charge sheet and refuted the allegations leveled against me as false and baseless vide my detailed reply.
4. That thereafter a partial inquiry has been conducted and the inquiry committee held the undersigned responsible for embezzlement and recommended that the whole amount has to be recovered from me and beside this I have also been recommended for minor punishment.
5. That it has been learnt by me vide the subject show cause notice that I have been recommended for major punishment of **Removal from service beside recovery of amount i.e., 1602609/-.**
6. That I once again deny the allegations leveled against me in the instant show cause notice, as false and baseless, the undersigned has been falsely roped in the instant case.
7. The undersigned is a responsible, cautious employee of the department and cannot even think of the display of the charges leveled against me.

AD (Lit)

~~SA~~

18/6/19

Attested
Jawad

8. That it has been alleged in the charge sheet that I was given control by the then Principal over the account matters, is not true. With great respect it is submitted that I was mere clerk in the accounts department while the Principal was the controlling authority and the drawing and disbursing officer for all intents and purposes.
9. That it has also been alleged that some embezzlement was committed in the college fund, however it is pertinent to mention here that I was not aware of any such embezzlement. The alleged incident took place on 05.07.2007 while the letter has been issued on 19.04.2008 after nine months. The principal was the DDO and being DDO he used to check the accounts every month. Had there been any such embezzlement on the part of the undersigned, the principal would have brought it in the knowledge of the high ups. If there were any embezzlement why he kept mum for nine long months. In-fact if at all there were any embezzlement, it would be committed by the Principal and the undersigned was made a scapegoat as was mentioned by the August Supreme Court of Pakistan.
10. The factum of checking the accounts once in a month was admitted by the principal during his statement before the special judge anti corruption/ trial court. When the drawing and disbursing officer was the principal then how can the undersigned be responsible for any embezzlement. Accounts maintaining, fund raising and most importantly, the supervising of expenditure was the responsibility of the principal. The principal used to check the cash book from time to time and after each check he used to endorse his signature on the same. The undersigned had no authority from the principle to withdraw money from bank. So, for the reasons cited above, the allegations regarding the involvement of the undersigned in embezzlement is strongly denied.
11. That although initially I was convicted by the special judge anti corruption vide order dated 05.09.2013, however the same was set-aside by the Honorable judge Darul Qaza Swat vide order and judgment dated 29.04.2014. The Honorable Court very minutely discussed the issues and exonerated the undersigned from the charges of embezzlement leveled against him and acquitted him vide the said order.
12. This fact was also observed by *the August Supreme Court of Pakistan* that *"it is evident from the record that the accounts of the relevant institution were regularly checked by the Principal of the said institution him self and he never found any embezzlement in the accounts"*. The Apex courts further observed that *"the FIR in this case had been registered after about 8/9 months of unearthing of the alleged embezzlement which indicates that the respondent No. 1 (the undersigned) could well have been made a scapegoat"* The August Supreme

Attested
Jawid



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**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA
RANO GHARI NEAR CHAMKANI MOR, PESHAWAR**

E-mail:- dhekppesh@gmail.com Facebook.com/dhekppeshawar Twitter.com/dhekppeshawar1

No. _____ / AD (Litigation)/SA#439/2017 (Aman Ullah) Dated Peshawar the 23/8/2019

OFFICE ORDER:

Consequent upon the charges of embezzlement amounting to Rs 1602609/- in the light of inquiry against you (Mr. Aman Ullah), Senior Clerk Government Degree College, Kabal (Swat) now posted at Government Degree College, Palai (Malakand), resulting into a showcase notice served upon you, and your subsequent reply to the showcase notice, the Director Higher Education Khyber Pakhtunkhwa, is pleased to give you an opportunity for personal hearing on 04-09-2019 at 10:00 AM in his office to defend your reply to the showcase notice served upon you.

DIRECTOR HIGHER EDUCATION

Endst; No. 18174-76 / AD (Litigation)/SA#439/2017 (Aman Ullah)

Copy of the above is forwarded for information/necessary action to the:

1. Principal, Government Degree College, Palai (Malakand), with the request to inform Mr. Aman Ullah Khan, Senior Clerk to ensure his presence on the date and venue as mentioned above.
2. Principal, Government Degree College, Kabal (Swat).
3. Deputy Director (IT), with the request to circulate the same electronically, please.
4. PA to Director Higher Education Department, Khyber Pakhtunkhwa.
5. Official concerned.

*Attested
Jahangir*

o/c

M. S. 23/08/19
(Muhammad Ishtiaq)
DEPUTY DIRECTOR
Jahangir



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**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA
RANO GHARI NEAR CHAMKANI MOR, PESHAWAR**

E-mail:- dhekppesh@gmail.com Facebook.com/dhekppeshawar Twitter.com/dhekppeshawar1

No. _____ / CA-VII/Estt: Branch/A-167/SA#439/2017, Ammanullah Dated Peshawar the 24/12/2019

NOTIFICATION

Whereas Mr. Amanullah. Sr.Clerk (BPS -14) of Higher Education Department was proceeded against, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, for the charges mentioned in the Charge Sheets and statement of Allegations.

1. **AND WHEREAS**, an inquiry committee comprising Mr. Irfan Ullah, Principal Govt: Degree College Mathra and Mr. Bakhtiar Khan Principal Govt: Degree College Lahor, Swabi was constituted to conduct inquiry into the allegations.

2. **AND WHEREAS**, the inquiry Committee after having examined the charges, evidence on record and explanation of accused officers, submitted report.

3. **NOW THEREFORE**, the competent authority after having considered the charges, evidence on record, the explanation of the accused officers, and after affording the opportunity of personal hearing while exercising the powers conferred upon him under Rule-14 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules 2011, has been pleased to impose minor penalties upon the accused officer as under:

Name & Designation	Penalty Imposed
Mr. Amanullah. Sr.Clerk (BPS -14) of Higher Education Department.	1. Withholding of two annual increments. 2. Recovery of embezzled amount of Rs. 1,602,609/-

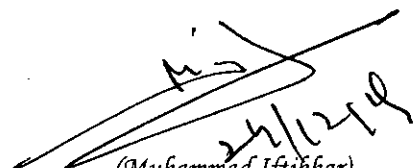
DIRECTOR, HIGHER EDUCATION

Endst; No 30705-9 / Estt: Branch/ SA#439/2017, Ammanullah

Copy of the above is forwarded to the following:

1. Principal Govt: Degree College, Pallai Malakand with request to recover the embezzled amount from the official concerned under intimation to the Directorate Higher Education along with original receipt.
2. Principal Govt: Degree College Kabal Swat.
3. District Account Officer Swat.
4. District Account Officer Malakand.
5. Official Concerned.

Attested
for

o/c

(Muhammad Iftikhar)
DEPUTY DIRECTOR
ga