9.11.2022

Since 9<sup>th</sup> November has been declared as public holiday, case is adjourned to 04.1.2023 for the same as before.

4-1-23

Due to Rush of Work; Reader
Therefore case is adjurned to
12-4-2023

12.04.2023

Appellant present through counsel.



Asif Masood Ali Shah learned Deputy District Attorney alongwith Atta Ur Rehman Inspector for respondents present.

Former made a request for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 19.06.2023 before D.B. Parcha Peshi given to the parties.

(Fareeha Paul) Member (E)

(Rozina Rehman) Member (J) 01.12.2021

Appellant in person present. Mr. Kabirullah Khattak, Addl: Ad alongwith Mr. Atta Ur Rehman, Assistant for respondents present.

Written reply/comments on behalf of respondents submitted which is placed on file. A copy of the same is also handed over the appellant. Adjourned. To come up for arguments on 25.02.2022 before D.B.

> (MIAN MUHAMMAD) MEMBER (E)

25.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 30.05.2022 for the same as before.

30.05.2022

Nemo for appellant.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Preceding date was adjourned on a Reader's Note, therefore, appellant/counsel be put on notice for 09.08.2022 for arguments before D.B. 1

(Fareeha Paul) Member(E)

(Rozinà Rehman) Member (J)

9-8-2022 Due to the Public holiday the cassadjourned to 9-11-2022

Rea

12.08.2021

File of the main appeal fixed before the D.B for 06.12.2021 has been requisitioned in pursuance to an application submitted on behalf of the appellant for restraint order against the respondents. The said application is placed on file. Among other reasons given in the application it is mentioned that albeit the appeal is pending but appellant has served out the penalty and in this backdrop of the matter, he is entitled to be promoted against the post of Office Assistant BPS-16. The appellant/applicant contends that the department is going to fill the vacant post of Assistant by promotion. If the respondents are not restraint from issuing of promotion order then the appellant will suffer irreparable loss and his appeal would become infructuous, as the appellant will be rendered junior to his juniors. In view of the points discussed before, the matter be fixed before the D.B today for appropriate order.

Chairman

12.08.2021

An application for restraining order was submitted in office. The same vide today's order hereinbefore has been fixed before the D.B. In view of the reasons mentioned in the earlier order of day-to-day, respondents are restraint from processing the promotion against vacant post of Assistant till date fixed i.e. 01.12.2021.

(Rozina Rehman) Member (J) Chargan

01.04.2021

Appellant present through counsel. Preliminary arguments heard. Record perused.

Approposited Secretary rocess Fee

Points raised need consideration. Appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to the respondents. To come up for written reply/comments on 8/07/2021 before S.B.

(Rozina Rehman) Member (J)

08.07.2021

Appellant in person and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned AAG is required to contact the respondents for submission of reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, office shall put up the file with a report of non-compliance. To come up for arguments on 01.12.2021 before the D.B.

Chairman

P.S.

Stipulated porred has passed and neply his met been submitted.

28.07.2021

Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.

Charman

## Form- A

## FORM OF ORDER SHEET

Court oi_			
	1619		
o No	/0//	/2021	

	Case No	/0/ /2021	; f
S.No.	Date of order proceedings	Order or other proceedings with signature of judge	
1	2	3	1,,,
1- ANDS	U	The appeal of Mr. Hidayat Ullah presented today by Mr. Rehman Advocate may be entered in the Institution Register and put the Worthy Chairman for proper order please.	
·,		REGISTRAR	•
2-	*	This case is entrusted to S. Bench for preliminary hearing to be up there on $O(OY)V$	be put
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# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

101	<u>Z</u> /2	2021	
	01	1017	/2021

Hidayatullah Khan	Appellant
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Versus

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

			1	
S:No:	Description of Documents	Dates	Annexures	Rages.
1.	Memo of Service Appeal	·	1	1-5
2.	Charge Sheet and Statement of allegations	03.02.2020	A	6-8
3.	Reply to the Charge Sheet	17.02.2020	В	9
4.	Inquiry Report	02.07.2020	С	10-16
5.	Show Cause Notice	07.07.2020	D	17
6.	Reply to the Show Cause Notice	22.07.2020	E	18-23
7.	Impugned order	30.07.2020	F	24
8.	Departmental Appeal	19.08.2020	G	25-26
9.	Impugned appellate order	01.01.2021	<u>Н</u>	27
10.	Order Sheet in Service Appeal	11.01.2021	I	28-29
11.	Notification thereby appellant was exonerated from the charges and penalty of stoppage two increments was set aside	14.12.2020	J	30.
12.	Written Reply of Anwar Jalal	14.02.2020	K	31
13.	Joint Statement	14.02.2020	L	32.
14.	Wakalat Nama			33.

Appellant

Through

Kitaled Baliman Advocate, Supreme Court of Pakistan

Muhammali/Amin Ayub Advocate, High Court

Muhammad Ghazanfar Ali Advocate, High Court

4-B, Haroon Mansion

Khyber Bazar, Peshawar

Off: Tel: 091-2592458 Cell # 0345-9337312

Dated: \_\_\_\_/01/2021

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

ervice Appeal No.		/202
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#### Mr. Hidayatullah Khan

Ex-Senior Clerk,

Public Library, Lakki Marwat ...

**Appellant** 

#### **VERSUS**

- 1. The Govt. of Khyber Pakhtunkhwa
  through Secretary
  Higher Education Department,
  Civil Secretariat, Peshawar
- 2. <u>The Director</u>
  Archives & Libraries Khyber Pakhtunkhwa,
  Peshawar
- 3. The Deputy Director

  Archives & Libraries V

Archives & Libraries Khyber Pakhtunkhwa Lakki Marwat.....

.....<u>Respondents</u>

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED APPELLATE ORDER DATED 01.01.2021 OF RESPONDENT NO.1 WHEREBY MAJOR PUNISHMENT OF REDUCTION TO LOWEER POST OF JUNIOR CLERK (BPS-11) FOR FIVE YEARS HAS BEEN REDUCED TO ONE YEAR.

#### PRAYER:

On acceptance of the instant appeal, the impugned appellate order dated 01.01.2021 passed by Respondent No.1 may graciously be set aside and appellant may be restored to his substantive post of Senior Clerk w.e.f. 30.07.2020 with all back benefits.

Respectfully Sheweth,

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

1. That the appellant was recruited in the Respondent Department as Junior Clerk way back in the year 2008 and has rendered meritorious service for

the Department. Later on, appellant was offered promotion against the post of Senior Clerk and since then he has been performing his duties to the entire satisfaction of the high-ups.

- 2. That the appellant while performing duties at Public Library Lakki Marwat, was issued Charge Sheet and Statement of Allegations (Annex:-A) for the reasons mentioned therein. Since the charges were unfounded, misplaced therefore, appellant refuted the same and furnished a detailed reply thereto on 17.02.2020 (Annex:-B) explaining his position before the competent authority. Copy of the reply may be considered as integral part of this appeal.
- 3. That thereafter without taking into consideration the reply of the appellant a summary and irregular inquiry was conducted by the Inquiry Officers at the back of the appellant and Report (Annex;- C) was then submitted on 02.07.2020 to the Competent Authority. The Enquiry Committee recommended appellant for major punishment of removal from service without following the mandatory requirements of law.
- 4. That thereafter upon the recommendations of the Fact Finding Enquiry Committee, appellant was served with a Show Cause Notice on 07.07.2020 (Annex:-D) containing the same allegations which was once again duly replied (Annex:-E) by the appellant explaining his position to the competent authority, but the same was not taken into consideration and the appellant was imposed upon major penalty of reduction to lower post of Junior Clerk (BPS-11) for five years vide order dated 30.07.2020 (Annex:-F) which prompted appellant to approach the Appellate Authority/ Respondent No.1 by way of preferring Departmental Appeal (Annex:-G) on 19.08.2020 but the same remained un-responded.
- 5. That thereafter appellant approached this Hon'ble Tribunal by way of filing Service Appeal No.\_\_\_\_\_/2020 but during pendency of the appeal, the Departmental Appeal of the appellant was decided vide impugned appellate order dated 01.01.2021 (Annex:-H) by the Respondent No.1 by modifying the penalty of reduction to lower post of Junior Clerk from five years to one

year. Thus the Service Appeal was withdrawn with the permission to file fresh one vide Order Sheet dated 11.01.2021 (Annex:-I).

6. That appellant, being aggrieved of the impugned appellate order ibid, files this appeal, inter-alia, on the following grounds:-

#### **GROUNDS:**

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned appellant order, which is unjust, unfair and hence not sustainable in the eye of law.
- B. That it is momentous to aver that Rule- 14 of the Government of Khyber Pakhtunkhwa Government Servants (Efficient and Discipline) Rules, 2011 maintains:-
  - (1) "On receipt of report from the inquiry office or inquiry committee, as the case may be, the competent authority shall examine the report and the relevant case material and determine whether the inquiry has been conducted in accordance with the provisions of these rules.
  - (2) If the competent authority is satisfied that the inquiry has been conducted in accordance with the provisions of these rules, it shall further determine whether the charge or charges have been proved against the accused or not.
  - (3) Where the charge or charges have not been proved, the competent authority shall exonerate the accused by an order in writing, or it shall follow the procedure as given in sub-rule (6) of this rule.

In the light of the aforementioned provisions, the question arises whether the Competent Authority was not supposed to examine the report of the Inquiry Committee by applying judicial mind as the Committee exonerated appellant of the charge of unanimous complaint of misbehavior however, it unlawfully held that the charge of complaint of Mr. Muhammad Rafiq, Junior Clerk was proved but it is abundantly necessary to note that the same was not part of the Charge Sheet and Statement of Allegations and should not have been taken into account. The most important aspect of the matter for which appellant was subjected to the major penalty was tempering into Service Book. In this regard the Inquiry Committee reached

to the conclusion by upholding "the committee observed that under these circumstances, it is possible that the accused might have done the subject tempering". Thus, the Inquiry Committee even on the charge of tempering was swayed by mere speculation. The Competent Authority wrongly concluded and passed the impugned order which is against the law and hence not sustainable. It is worth to enunciate here that by virtue of Notification dated 14.12.2020 (Annex:-J) appellant was exonerated by setting aside the penalty of stoppage two increments.

- C. That the Inquiry Committee has outright discarded the statement of Mr. Anwar Jalal who categorically alleged in his written reply (Annex:-K) that maintenance of the Service Book is the responsibility of the Dealing Assistant, he further upheld that overall conduct and behavior of the appellant with the library users and the staff was good. Furthermore, this fact was also appreciated by the Inquiry Committee that if the same was the situation then why the same was not brought into the notice of the high-ups timely before initiating proper action against the appellant for holding his Service Book in personal custody. This fact finds support that the charge is frivolous and misplaced, therefore, the impugned appellate order and the inquiry proceedings are unwarranted and therefore, liable to be quashed.
- D. That Article-10A of the Constitution of the Islamic Republic of Pakistan, 1973 read with Section-16 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 provides for the right of fair trial as per prescribed law and Rules but the appellant was not fairly treated in disciplinary proceedings and the impugned order, thus the impugned appellate order is void ab-initio as well as against the principle of natural justice
- E. That instead of a regular enquiry, an irregular, fact finding enquiry was conducted in a highly pre-judicial manner and without any evidence the conclusion was jumped upon suddenly on the basis of mere surmises and conjectures declaring charges as proved in utter deviation of the procedure and Rules on the subject which has resulted into serious miscarriage of justice.
- F. That it is a settled legal principle that where major penalty is proposed then only a regular enquiry is to be conducted wherein the accused must be associated with all stages of the enquiry including the collection of oral and documentary evidence in his presence and he must be confronted to the

same and must be afforded an opportunity of cross-examining the witnesses. In the case in hand a summary enquiry was concluded in an irregular manner and appellant was illegally found guilty without any evidence. Thus the impugned enquiry being irregular and the impugned order based thereon is nullity in the eye of law and hence liable to be set aside.

- G. That no opportunity of personal hearing was afforded to the appellant neither by the competent authority nor by the Enquiry Committee or by the appellate authority which are the mandatory requirements of law. Thus appellant was condemned unheard as the action has been taken at the back of the appellant which is against the principle of natural justice.
- H. That the appellant served the Department, ever since 2008 and during this period, overall conduct and behavior of the appellant with the Library staff of District Lakki Marwat was satisfactory as is evident from the joint statement (Annex:-L) of the officials of the Public Library, Lakki Marwat.
- I. That appellant would like to offer some other grounds during the course of arguments.

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

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

Through

Appellant/

Khaled Rahman,

Advocate,

Supreme Court of Pakistan

æ.

Muhammad Amin Ayub

Advocate, High Court

&

Muhammad Ghazanfar Ali Advocate, High Court

Dated:\_\_\_/01/2021



## DIRECTORATE OF ARCHIVES & LIBRARIES, KHYBER PAKHTUNKHWA, PESHAWAR.

Phone: - 091- 9210100 Website: - www.kpdal.gov.pk, www.facebook.com/KParchivesandlibraries

No. <u>187</u>/3/10/DA Dated <u>03</u>/02/2020.

ALONE, A"

#### CHARGE SHEET

I, Zahir Ullah Khan, Director of Archives and Libraries, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Mr. Hidayat Ullah, Senior Clerk(BPS-14), Public Library, Lakki Marwat, Directorate of Archives & Libraries, Khyber Pakhtunkhwa, as follows: -

- 02- That you, while posted as Senior Clerk at Public Library, Lakki Marwat, have committed the following irregularities: -
- i)- That, you have an undesirable track record of habitual absence and misconduct since your appointment on 07-08-2008 which has resulted into imposition of minor penalties upon you from time to time. Inspite of the aforesaid, you have been again reported for misconduct as evident from the complaint No. KP090120-625847 lodged on Pakistan Citizen Portal as well as manually received. Thus, you have badly failed to bring improvement in your overall misconduct during the course of time spanning over more than eleven years.
- ii)- That, you have tampered the record of penalty entered with Red Entries on page-17 of your service book by overwriting the same with blue pen, besides, failed to put satisfactory explanation thereof in your reply dated 20-01-2020.
- 03- By reasons of the above, you appear to be guilty of misconduct under rule 03 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties as specified in the Section 04 of the aforementioned rules.
- Your written defense, if any, should reach the Inquiry Committee within 15-days of the receipt of this Charge Sheet, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you
- 05- Intimate whether you desire to be heard in person.
- 06- A statement of allegations is enclosed.

(Zahir Ullah Khan) Director of Archives & Libraries, Khyber Pakhtunkhwa, Peshawar.



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#### DISCIPLINARY ACTION

I, Zahir Ullah Khan, Director of Archives & Libraries, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Mr. Hidayat Ullah, Senior Clerk, Public Library, Lakki Marwat, Directorate of Archives & Libraries, Khyber Pakhtunkhwa, has rendered himself liable to be proceeded against as he has committed the following acts/omissions, within the meaning of Section-03 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011:-

#### STATEMENT OF ALLEGATIONS

- That, he has an undesirable track record of habitual absence and misconduct since his appointment on 07-08-2008 which has resulted into imposition of minor penalties upon him from time to time. Inspite of the aforesaid, he has been again reported for misconduct as evident from the complaint No. KP090120-625847 lodged on Pakistan Citizen Portal as well as manually received. Thus, he has badly failed to bring improvement in his overall misconduct during the course of time spanning over more than eleven years.
- That, he tampered the record of penalty entered with Red Entries on page-17 of his service book by overwriting the same with blue pen, besides, failed to put satisfactory explanation thereof in his reply dated 20-01-2020.
- 02- For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Inquiry Committee, consisting of the following members is constituted under Rule10(1)(a) of the rules ibid: -
- i)- Mr. Naveed Ullah Jan, Librarian, Directorate of Archives & Libraries, Peshawar.
- ii)- Mr. Nadeem Jehan, Database Administrator, Directorate of Archives & Libraries, Peshawar.
- iii)- Mr. Abdul Bari, Caretaker, Directorate of Archives & Libraries, Peshawar.
- 03- The Inquiry Committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within 15(fifteen) days of the receipt of this order, recommendations as to punish or to take other appropriate action against the accused.

(Zahir Ullah Khan) Director of Archives & Libraries, Khyber Pakhtunkhwa, Peshawar.

#### Endst: No. & Date Even.

A copy of the above is forwarded to:

- 1. M. Naveed Ullah Jan, Librarian, Mr. Nadeem Jehan, Database Administrator and Mr. Abdul Bari, Caretaker, Directorate of Archives & Libraries, Peshawar for initiating proceedings against the accused under relevant provisions of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules. 2011.
- 2. Mr. Anwar Jalal, Librarian, Public Library, Lakki Marwat.

Mr. Hidayat Ullah, Senior Clerk, Public Library, Lakki Marwat.

THUSTEN

Director of Arthives & Libraries, Khyber Pakhtunkhwa, Peshawar.



#### DIRECTORATE OF ARCHIVES & LIBRARIES, KHYBER PAKHTUNKHWA, PESHAWAR.

Phone: - 091-9210100 Website: - www.kpdal.gov.pk, www.facebook.com/KParchivesandlibraries

#### STATEMENT OF ALLEGATIONS.

That , you, Mr. Hidayat Ullah while posted as Senior Clerk(BPS-14) at Public Library, Lakki Marwat, Directorate of Archives & Libraries, Khyber Pakhtunkhwa, has committed the following irregularities and thus rendered yourself liable for disciplinary action.

- That, you have an undesirable track record of habitual absence and misconduct since your appointment on 07-08-2008 which has resulted into imposition of minor penalties upon you from time to time. Inspite of the aforesaid, you have been again reported for misconduct as evident from the complaint No. KP090120-625847 lodged on Pakistan Citizen Portal as well as manually received. Thus, you have badly failed to bring improvement in your overall misconduct during the course of time spanning over more than eleven years.
- ii)- That, you have tampered the record of penalty entered with Red Entries on page-17 of your service book by overwriting the same with blue pen, besides, failed to put satisfactory explanation thereof in your reply dated 20-01-2020.

Director of Archives & Libraries. Khyber Pakhunkhwa, Peshawar.



﴿ ﴿ ﴾ ﴿ ﴿ ﴾ ﴾ ﴾ ﴾ ﴾ ﴾ ﴾ ﴾ ﴾ ﴾ ﴾ بخدمت جناب الكوائرى كمينى صاحبان دُائر كيكوريث آف آركا تيوز ايندُلائيمر مريز دُيها رخمنت خيبر پختونخو اپيثاور عنوان: - جواب برائے جارج شيث

#### جناب عالى!

بناب عالى!

ڈائز کیٹرصاحب نے بذر بید آرڈ رنبر 3383/3/1/DA مردیہ 2018-12-06 میر نے ٹرانسفر کے آرڈ ریبلک الامجر میں کا موروت کے بجائے ہوں

یبلک لامجر میں جاری کردیئے گئے ۔ پھر میں نے اپنی ارائیول رپورٹ بنوں ببلک لامجر میں کے آفس اسٹنٹ کے آفس میں جی کرادی ۔ قانون نے ہر طازم کیلئے اُن کے

ڈیوٹی کا طریقہ کارواضح کیا گیا ہے ۔ آفس اسٹنٹ کی بنیادی ڈ مدداری یہ ہوتی ہے کہ ہر نے بھر تی ہونے والے طازم یا ٹرانسفری صورت میں آنے والے طازم کا تمام

مرکاری ریکارڈا ہے تحویل میں کیکر جی کرنا ہوتا ہے ۔ پھراُن کی سروس بک میں گی ایل پی س (LPC) کی ڈریجے ان طازم کی تخواہ بنا قادر پھر جا اور پھر جا اور پھر والیس کیکر آنا ہے آفس کے ریکارڈ میں جی کرنا اور اُن کا خیال کرنا آفس اسٹنٹ پر عائد ہوتی ہے اور قانون میں وجواب دے ہوگا۔ یونکہ قانون

مردس بک میں کوئی بھی تخص ٹیریاریکارڈ مٹانے کی کوشش کر بے آف اور ان کا خیال کرنے کا ذمہ داراور پابند ہوگا اور کی بھی تم کا غفلت بھر سے پر اپنے ہی تھے کے

میں صاف تھوا گیا ہے ۔ کہ قس اسٹنٹ ان تمام امور کو سرائیا مورکو سرائیا مورکو سرائیا مورکو سرائیا مورکو سرائیا کہ جواب دے ہوگا۔

میں صاف تھوا گیا ہے۔ کہ قس اسٹنٹ ان تمام امورکو سرائیا مورکو سرائیا وارٹ کا خیال کرنے کا ذمہ داراور پابند ہوگا اور کی بھی تم کا غفلت بھر سے پر اپند ہوگا۔ دی تھی تھر اور ان بالا کو جواب دے ہوگا۔

افسران بالا کو جواب دے ہوگا۔

جناب عال!

جب بیڈ آفس بیٹا ورے مجھے بنوں ببلک الممبر مری تبدیل کیا گیا۔ تو بنوں پبک الممبر مری شدو ماہ ڈیوٹی ادا کرنے کے بعد کی مروت پبک الممبر مری کومبرا
تادلہ کردیا گیا۔ ان متنوں شیشنز پرڈیوٹی سرائجام دینے کے بعد مجھے بالکل پیڈیس کرمیر سے مروس بک میں کو نسے سروس کی گئے ہاور
میری سروس اور شخصیت کوٹراب کرنے کیلئے کسی نے قصد آمبر سے مروس بک میں دیکارڈ لیم کرکوشش کی ہے۔ کیونکہ بھے تیس پیتہ کہ کو نسے شین پرمیر سے سروس بک
میس دیکارڈ میم ریا بلیوپین سے منانے کی کوشش کی ہے۔ کیونکہ ان متنوں جگہوں پرمرکاری ڈیوٹی اداکرنے کے بعد سروس بک کویشین رکھنا اوران کا خیال رکھنا آفس
میس دیکارڈ میم ریا بلیوپین سے منانے کی کوشش کی گئے ہے۔ کیونکہ ان متنوں جگہوں پرمرکاری ڈیوٹی اداکرنے کے بعد سروس بک کویشین رکھنا اوران کا خیال رکھنا آفس

آپ صاحبان ہے گذارش ہے کہ چارج شیٹ کا جواب شبت پہلو میں تسلیم کیا جائے اور چارج شیٹ میں نگائے الزامات کوانسانی ہدردی کی بناء پرمسر دکیا جائے۔اس سلسلے میں سائل آپ صاحبان کو ہرتم کی صفائی / تسلی کرنے کیلئے تیار ہے۔آپ صاحبان کی مہر بانی ہوگی۔ نوٹ:۔ شاف اور لائمبر پر پرنمبر کے میرے حق میں صفائی کا درخواست ہمراہ لف ہے۔

> عين نوازش هول ـ 17-02-2020: مورد ميرود . ATTES ED

العارش

مدایت الله خان مینز کارک پلک لائمبر میل کی مروت \_

ANNE C & LIBRARIES,

INQUIRY REPORT IN LIGHT OF THE DIRECTOR, ARCHIVES & LIBRARIES KHYBER PAKHTUNKHWA ORDER NO. 187/3/10/DA DATED 03-02-2020.

#### 01. BACKGROUND

In pursuance of the recommendations contained under para-04.4 of the Inquiry 01.1-Report dated 10-01-2020, annunciating to the effect that "In future, entries regarding penalties in the service books and annual performance & evolution reports/confidential reports of the concerned officials may invariably be recorded", the Incharge Librarian, Public Library, Lakki Marwat was requested vide letter dated 09-01-2020 to provide service book and some payroll record in respect Mr. Hidayat Ullah, Senior Clerk(hereinafter as accused). On checking, Red Entries on account of minor penalty No. 3403/3/10/DA dated 11-12-2018 entered on page 17 of service book of the accused, were found overwritten with blue pen. Mr. Anwar Jalal, Incharge Librarian and Mr. Saleh Mahmood, dealing Assistant expressed their ignorance about the said tampering, the latter apprised that the accused is holding his service book in personal custody, whereof, an explanation was called from the accused vide letter dated 20-01-2020. The accused in his reply received on 28-01-2020 denied any regarding alleged involvement in the subject tampering. Moreover, a complaint misbehaviour of the accused with library staff and public, lodged on Pakistan Citizen Portal, was also received on 13-01-2020. Accordingly, a charge sheet bearing No. dated 03-02-2020 was served upon the accused with constitution of the following Inquiry Committee for probing into the matter:- (Annex-A, pages-01 to 20).

1	i)-	Mr. Naveed Ullah Jan, Librarian,	
	ii)-	Mr. Nadeem Jehan, Database Administrator,	Directorate of Archives & Libraries, Peshawar.
	iii)-	Mr. Abdul Bari, Caretaker,	13101tillios, 1 osliaviali

Note. On objection of the accused, Mr. Naveed Ullah Jan, Librarian was withdrawn C from representation in the committee vide No. 293/3/10/DA dated 26-02-2020. (Annex, A, page-19,supra)

#### 01.2- Crux of the allegations mentioned in the charge sheet, is as under:

i)	That, the accused has an undesirable track record of habitual absence and misconduct since his appointment on 07-08-2008 which has resulted into imposition of minor penalties upon him from time to time. Inspite of the aforesaid, he has been again reported for misconduct as evident from the complaint No. KP090120-6258474 lodged on Pakistan Citizen Portal as well as manually received. Thus, he has badly failed to bring improvement in his overall misconduct during the course of time spanning over more than eleven years.
ii)-	That, the accused has tampered the record of penalty entered with Red Entries on page-17 of his service book by overwriting the same with blue pen, besides, failed to put satisfactory explanation thereof in his reply dated 20-01-2020.



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Moreover, Mr. Muhammad Rafiq, Junior Clerk, Public Library, Lakki Marwat submitted a complaint against misbehaviour of the accused (received on 10-03-2020). The complaint was also assigned to the committee for examination. It was alleged that in wake of the said complaint received on Pakistan Citizen Portal, the accused asked the complainant to write statement to the effect that "the accused is maintaining good working and friendly relations with his colleagues and library users". The complainant refused to do so for the reasons of being recently transferred to Public Library, Lakki Marwat and having no working experience with the accused. Infuriated by this response, the accused openly threatened & abused the complainant in presence of library staff namely Wahid Ullah, Computer Operator, Sadiq Khan, Jr. Clerk and Saleem Khan, Naib Qasid. (Annex-A, page-21-22).

#### 02- PROCEEDINGS

- 01.1- The committee discussed and recorded written statements regarding the matter from all concerned officials. Crux of their statements, are as under: -
- i)- The accused in his written statement dated 17-02-2020 denied the allegation of doing any tampering in his service book, the dealing Assistant is responsible for all issues relating to physical custody and maintenance of entries in service books, hence, he will be in better position to explain the same. The accused alleged that the subject tampering has been done with malafide intentions to damage his reputation and service career during any of his posting period at Peshawar, Bannu or Lakki Marwat. He denied the charges of misbehaving with any staff or library user as reported in the complaint lodged against him on Pakistan Citizen Portal. He made assurance to provide written reply to the charges of misbehaviour leveled against him by Mr. Muhammad Rafiq, Jr. Clerk in his complaint (Annex-B, page-23-24).
- ii)- Mr. Anwar Jalal, Incharge Librarian in his written statement bearing No. 23/3/10/ LPL dated 12-02-2020 explained that possession and maintenance of service books is not part of his job description and the accused will be in better position to explain the issue of tampering in his service book. He further explained that in compliance to the penalty imposed on the accused vide No. 3403/3/10/DA dated 11-12-2018, he stopped annual increment, 2019 granted to the accused with recovery of excess payment amounting to Rs. 1170. He is satisfied with overall conduct and efficiency of the accused and he has no knowledge about the alleged misbehaviour of the accused with Mr. Muhammad Rafiq, Junior Clerk as he was not present during the incident. (Annex-B, page-25-26)
- iii)- Mr. Salih Mahmood, Assistant in his verbal & written statement dated 26-02-2020 clarified that at the time of his assumption of charge as Assistant at Lakki Marwat, some staff members including the accused, were keeping their service books in personal custody, however, with exception of the accused, all staff members returned their services books to him for official custody. The accused produced his service book for the







Lakki Marwat. After serving of the purpose, the accused again collected his service book from Office of the DAO, Lakki Marwat in May, 2020 and did not return it despite his repeated verbal reminders confirmable from the staff. The accused produced his service book for the second time on 13-01-2020, for the deduction of his annual increment, 2019 with recovery of excess payment as per instructions received from the Head Office. Thereafter, Mr. Muhammad Farooq, Naib Qasid collected service book of the accused from Office of the DAO, Lakki Marwat which has been now forwarded to the Head Office. He has no knowledge about any tampering in service book of the accused. (Annex-B, page-28)

- iv)- Mr. Wahid Ullah, Computer Operator stated that Mr. Salih Mahmood, Assistant telephonically informed him to approach the accused to handing over his service book. However, the Assistant again informed on 13-02-2020 that the accused has handed over his service book to him. Mr. Muhammad Farooq, Naib Qasid in his statement explained that he is witness to the fact that Mr. Salih Muhammad, Assistant repeatedly asked the accused to hand over his service book but he did not comply with. (Annex-B, page-29-30)
- v)- Mr. Shaukat Nawaz, Assistant Director, Directorate of Archives & Libraries, Peshawar and Mr. Naheed Ullah Khan, Assistant, Public Library, Bannu stated that they handed over service book and LPC to the accused under proper receipt signed by the accused at the time of his transfers from Peshawar to Bannu and onward Lakki Marwat. (Annex-B, page-32-35)
- vi)— In order to provide opportunity of cross examination of the deponents in the issue relating to tampering in service book of the accused, the Inquiry Committee arranged joint sitting of Mr. Salih Mahmood, Assistant, Mr. Wahid Ullah, Computer Operator and Mr. Muhammad Farooq, Naib Qasid, Incharge Librarian and the accused in Public Library, Lakki Marwat on 16-03-2020. The committee readout statements before the accused for cross examination, however, the accused did not raise any objection thereof and apprised the committee that he will submit written statement thereof. Moreover, Mr. Iqbal Hussain, Chowkidar, Mr. Hizb Ullah, Naib Qasid, Mr. Hammad Bari, Naib Qasid and Mr. Imran Ullah, Mali also recorded their statement to the effect that Mr. Salih Mahmood, Assistant repeatedly requested the accused to hand over service book to him. Statements of the latter were also got countersigned from the Incharge Librarian. (Annex-B, page-36-37)
- v)- Regarding complaint of Mr. Muhammad Rafiq, Jr. Clerk containing allegation of misbehaviour against the accused(Annex-A, page-21-22, supra), the committee arranged joint sitting of Mr. Wahid Ullah, Computer Operator, Mr. Muhammad Sadiq, Jr. Clerk and Mr. Muhammad Salim Khan, Naib Qasid, the complainant and the accused in Public Library, Lakki Marwat on 16-03-2020 for recording their statement and providing opportunity to the accused for cross examination. The aforesaid officials in their joint statement dated



16-03-2020 explained that the complainant and the accused had exchanged hot words over some issue on 05-03-2020, however, they have no knowledge regarding exact nature of their dispute or any subsequent scuffling between them. The complainant Mr. Muhammad Rafiq, Jr. Clerk reiterated his allegation in front of the accused, however, the accused kept silence and apprised the committee that he will submit written statement thereof. The aforesaid joint statement was got countersigned from the Incharge Librarian. (Annex-B, page-38)

#### 03- FINDINGS.

- 03.1- Findings based on the available record, verbal and written statements of the accused and other concerned officials, are as under:-
- i)- Regarding allegation No. 01, Record reflects that the accused belonging to district Lakki Marwat was appointed from Zone-IV and posted at Mufti Mahmood Public Library, D.I.Khan on 07-08-2008. After rendering satisfactory service during initial period, he started availing excessive leaves and indulgence in habitual absence. In this regard, his 06,49&08-days absence on different occasions were converted into Leave Without Pay vide orders issued on 02-02-2011, 03-04-2012 and 30-12-2014 respectively. (Annex-C, page-39-40).
- ii)- The record further reveals that as a result of previous inquiries conducted againt the accused on account of habitual absence & misconduct, three minor penalties i.e. two of Censure and one of withholding two annual increments, were imposed upon the accused in 2011, 2013 and 2018 respectively. Brief description of the said inquiries, is as under: -
- a)- First inquiry was conducted against the accused vide No. 1101/3/10/DA dated 15-07-2011 for the charges of, i)- absence & leaving library at the mercy of Class-IV staff during leave of the Incharge Librarian on 08-07-2011, ii)- absence during visit of the Chief Planning Officer, Higher Education Department to the library on 08-07-2011 and iii)- failure of the accused to bring improvement in habitual absence(Annex-C, page-41-43). During inquiry proceedings, the accused failed to defend himself against the charges, whereof, on recommendations contained in the inquiry report, minor penalty of Censure was imposed upon him vide No. 1259/3/10/DA dated 12-09-2011 (Annex-C, page-44-47). The accused did not submit departmental appeal against the penalty.
- b)- Second inquiry was initiated against the accused vide No. 27/3/10/DA dated 10-01-2013 on the charges of, i)- failure of the accused in mending habitual absence & indiscipline, ii)- failure of the accused in improving attendance inspite imposition of first minor penalty of Censure, iii)- continued absence of the accused for the months of October & November, 2012 despite stoppage of his pay from 01-10-2012, iv)- absence from duty during visit of the Chief Librarian and Deputy Director to Mufti Mahmood Public Library, D.I.Khan from 1<sup>st</sup> to 3<sup>rd</sup> January, 2013(Annex-C page-48-51). During inquiry proceedings,







the accused submitted twenty seven(27) dubious medical certificates written under one hand on 04-12-2012 to justify his absence from 18-01-2012 to 25-06-2012(Annex-C, pages-52-60). On the basis of available record, the inquiry committee recommended imposition of major penalty of Removal From Service upon him, however, the competent authority afforded him another chance to improve his conduct and imposed second minor penalty of Censure with conversion of his 168 & 248-days absence into Earned Leave and Leave Without Pay respectively vide order No. 1253/3/10/DA dated 13-06-2013(Annex-C, page-61-65). The accused did not submit departmental appeal against the penalty.

Third inquiry was initiated against the accused vide No. 2302/3/10/DA dated c)-13-07-2018 on the charges of, i)- absence from duty w.e.f. 15-06-2018 without any information and ii)- Failure in improving habitual absence inspite imposition of two minor penalties in 2011 & 2013(Annex-C page-66-67). During inquiry proceedings, the accused submitted two medical certificates each for five & two weeks respectively to justify his forty nine(49) days absence from 15-06-2018 to 02-08-2018(Annex-C, page-68-69). In this regard, Medical Superintendent, Govt. City Hospital, Lakki Marwat and Director, General, Health Services, Khyber Pakhtunkhwa were requested vide letters dated 31-07-2018 & 09-08-2018 for provision of relevant rules reflecting competency of the Senior Medical Officer for advising 05-weeks medical leave and investigation of the matter but to no avail. Consequently, Standing Medical Board, Police Services Hospital, Peshawar justified the above referred medical leave on basis of the single test conduct by the accused in a private laboratory vide letter dated 05-09-2018(Annex-C, page-70-80). However, irrespective of justification of the said medial leave, the inquiry committee, found the accused guilty under Rule-03(d) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the reasons of habitually absenting himself from duties without prior approval of leave while the second allegation, stood proved against him on the basis of previous penalties imposed upon him on account of habitual absence and misconduct. Therefore, as per recommendations of the committee, minor penalty of withholding increments for two years with conversion of his 49-days absence into medical leave w.e.f 15-06-2018 to 02-08-2018 & notification of his 04-days absence during inquiry proceedings on 03<sup>rd</sup>, 13<sup>th</sup>, 20<sup>th</sup> and 24<sup>th</sup> August, 2018, was imposed upon him vide No. 3403/3/10/DA dated 11-12-2018 (Annex-C, page-81-86). In view of the aforesaid, the issues referred in allegation No. 1 of the instant charge sheet, to the extent of imposition of three minor penalties for habitual absence & misconduct upon the accused and his subsequent failure in bringing any improvement in his overall conduct, stand proved against him.

Portal, the Incharge Librarian and other staff of the library confirmed that the accused has not misbehaved with any staff member or library user since his transfer to the Lakki Marwat on 13-02-2019, therefore, in absence of any supporting proof, the allegation pertaining to misbehaviour of the accused with library staff and users, could not be proved. However, in

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view of the complaint of Mr. Muhammad Rafiq, Junior Clerk dated 05-03-2020 against the accused and failure of the accursed to submit written reply thereof, the allegation stand proved against him to that extent. (Annex-C, page-87).

Regarding second allegation of tampering in service book of the accused, iv)statements of the concerned staff of Directorate of Archives & Libraries, Peshawar and Public Library, Bannu transpires that they had handed over service book and LPC to the accused under proper receipts signed by him at the time of his transfers from Peshawar to Bannu and onward to Lakki Marwat. Statements of staff of the Public library, Lakki Marwat also reflect that the accused was holding his service book in personal custody and did not return the same inspite repeated requests of the dealing Assistant. Statement of Mr. Salih Mahmood, dealing Assistant transpires that accused was holding his service book in personal custody since his transfer to Public Library, Lakki Marwat on 13-02-2019(Annex-D) and the accused produced his service book for the first time on 10-04-2019 for the release of his pay and arrears on account of the said transfer, where after, he again collected his service book from Office of DAO, Lakki Marwat in May, 2019. The accused again produced his service book to the dealing Assistant on 13-01-2020 for stoppage of annual increment, 2019 with recovery of excess payment as per penalty imposed upon him vide No. 3403/10/DA dated 11-12-2018 and instruction received from the Head Office, where after, Mr. Muhammad Farooq, Naib Qasid collected service book of the accused from Office of the DAO, Lakki Marwat which has been now forwarded to the Head Office. It is pertinent to mention that the accused in his statement held the dealing Assistant responsible for the said tampering while on the contrary he did not cross examine the dealing Assistant or other staff of the library on 16-03-2020 rather apprised the committee that he will submit written statement thereof, which was not received till finalization of the instant report. The committee observed that under these circumstances, it is possible that the accused might have done the subject tampering) with intentions of diverting first attention from the "Red Entries" highlighting record of the penalty on page 17 of his service book and concealing entries pertaining to imposition of withholding two annual increments for the year, 2019 & 2020 as evident from his silence over annual increment, 2019 which was later on recovered from him with arrears. The committee further noticed that both dealing Assistant and Incharge Librarian played irresponsible role in the matter by not brining the issue on record and not initiating proper action against the accused in time. Under the circumstances, the committee is of the view that the accused is responsible for the subject tampering.

v- Regarding complaint of misbehaviour submitted by Mr. Muhammad Rafiq, Jr. Clerk(the complainant) against the accused, joint statement of the staff namely Mr. Wahid Ullah, Computer Operator, Sadiq Khan, Junior Clerk and Mr. Muhammad Salim, Naib Qasid. (shown as witnesses to the incident by the complainant) transpire that the complainant and the accused had exchanged hot words over some issue on 05-03-2020 which confirms occurring of the incident. In this regard, the complainant reiterated his allegation in front of

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the accused during cross examination of the complainant while the accused did not respond in his defense and apprised that he will submit written statement thereof which has not been received till finalization of the instant report. In wake of the evasive joint statement of witnesses and failure of the accused to cross examine the complainant or to forward any written explanation thereof, the committee is of the view that the complainant is justified in his complaint which warrants proper action against the accused.

#### 04- CONCLUSION

On the basis of, three minor penalties imposed upon the accused on account of his habitual absence & misconduct in 2011, 2013 & 2018, non-submission of any appeal by the accused against any of the penalty reflecting justification of the penalties ibid, leniency shown to the accused by repeated conversion of his prolonged absence periods into Leave without Pay and Earned Leave, misconduct on part of the accused in terms of tactfully producing dubious medical certificates to cover up/justify his habitual absence at different times & illegally holding his service book in personal custody with malafide intentions and his failure to adopt conduct compatible to a responsible civil servant or a gentleman, the committee is of the view that the accused has been already given sufficient time and chances to improve his overall conduct, however, he has badly failed in doing so, consequently, his further retention in service will be of no use in the the public interest, therefore, the committee recommends that:

- i)- Under Rule-04(b,iii) of the Khyber Pakhtunkhwa Government Servant(Efficiency & Discipline) Rules, 2011, major penalty of removal from service may be imposed upon Mr. Hidayat Ullah Khan, Senior Clerk, Public Library, Lakki Marwat.
- ii)- A certificate to the effect that "Service Books of all staff are available updated and have been kept under official custody" may be obtained from all branch offices working under the Directorate of Archives & Libraries, Khyber Pakhtunkhwa.

Warnings may be issued to the Incharge Librarian and dealing Assistant on account of their failure in timely reporting or initiating proper action against the accused for holding his service book in personal custody.

(Nadeem Jehan)

Network Administrator,

Directorate of Archives & Libraries, Khyber Pakhtunkhwa, Peshawar. (Abdul Bari)

Caretaker,

Directorate of Archives & Libraries, Khyber Pakhtunkhwa, Peshawar.

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#### DIRECTORATE OF ARCHIVES & LIBRARIES, KHYBER PAKHTUNKHWA, PESHAWAR.

Phone: - 091- 9210100 Website: - www.kpdal.gov.pk, www.facebook.com/KParchivesandlibraries.

No. 827 /3/10/DA Dated 67 /07 / 2020.

ANNED

To.

Mr. Hidayat Ullah, Senior Clerk, Public Library, Lakki Marwat. Resident of Village Dallo Khel, district, Lakki Marwat.

Subject:

**SHOW CAUSE NOTICE.** 

I, Zahir Ullah Khan, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Hidayat Ullah, Senior Clerk, Public Library, Lakki Marwat as follows:

- 02. (a)- That, consequent upon completion of the inquiry against you by the Inquiry committee during which you were given opportunities to clarify your position vide No. 187/3/10/DA dated 03-02-2020 & 213/3/10/DA dated 10-02-2020 regarding the allegations contained in charge sheet bearing No. 187/3/10/DA dated 03-02-2020, including provision of opportunity of hearing/cross examining statements of the concerned officials on 16-03-2020.
- (b)- On going through the Findings and Recommendations of the inquiry committee, material on record including your reply/statements dated 17-02-2020, I am satisfied that you have been proved guilty for the allegation of: (i)- having undesirable track record of habitual absence & misconduct and failure in bringing improvement thereof as evident from previous three minor penalties imposed upon you on that account in 2011, 2013 and 2018 (ii)- having tampered the Red Entries regarding penalty bearing No. 3403/3/1/DA dated 11-12-2018 entered on page-17 of your service book with malafide intentions as evident from your failure to justify illegal possession of your service book from 13-02-2019 to 13-01-2020.
- O3- As a result of the recommendations contained in the inquiry report dated 02-07-2020 and connected record, I, as competent authority, have tentatively decided to impose major penalty of "removal from service" upon you under Rule-04(b,iii-) of the rules ibid.
- You are thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you, also intimate whether you desire to be heard in person.
- 05- 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 exparte action shall be taken against you.

06- Copy of the Inquiry Report along with enclosures, is attached.

(Zahir Ullah Khan)
Director of Archives & Libraries,
Khyber Pakhtunkhwa, Peshawar.

#### Endst: No. & Date Even.

Copy forwarded to the Incharge Librarian, Public Library, Lakki Marwat with direction to hand over copy of this notice to Mr. Hidayat Ullah, Senior Clerk under proper written receipt and furnish the same to this Directorate for record.

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Director of Archives & Libraries, Khyber Pakhtunkhwa, Peshawar.

D.

بخدمت جناب الكوائرى كمين صاحبان وائر مكثوريث آف آدكا تكوذ ايندُ لا بريريز ويبار منث فيبر يخوخوا بيثاور عنوان: - جواب برائي شوكا ونوش

جناب عالى ا

یس ہدایت خان بطور سینئر کارک پیلک لائبر بری کلی مروت میں اپنی ڈیوٹی کے فرائنٹ سرانجام دے رہاہوں۔ آج بمور دیہ 14-07-2020 شوکا زنوٹس ملاجۂ کا نمبر 227/3/10/DA ہے بتاری 2020-07-07 ہے۔

جناب عالى! اب آپ صاحبان كوش ميل بهت بى انم يارشت با تول كاذكركرنا چا بتا مول - جوكدتا فونى نظارتكاه سے بهت بى اميت كے مال

اب آپ ما حبان کوئس میں قانونی نظانظر سے انہار شدہ باتوں ذکر کرنا چاہتا ہوں۔ جو کہ قانونی Point of Viewe کی بیار بہت کوئی ہوئے۔ جو کہ ان کے جو کہ ان کے بیار کی بیار کی ان کے بیار کی ان کے بیار کی ان کے بیار کی ان کے بیار کی ان کی بیار 
آپ صاحبان کے ولس میں اُپرا تنا تفصیل سے کھنے کا مقعد سے ہے۔ کہ جب استے بڑے پیانے پرمرکاری ریکارڈیس حیرا بھیری اورٹمپرنگ کی جار ہی ہو۔ تو دہاں پردوسر سے طاز مین کے مروس بک کیسے محفوظ دیں گے۔ جناب عالی!

آنس استنت کے والے سے اتنا کہونگا کہ وہ خود غیر سنجیدہ اور غیر ذمہ دارا فیسر ہے۔ کیونکہ کا نون میں صاف اور واضح طور پر ہدایات درج ہے۔ کہ جب بھی آفس سے کوئی بھی چیز خواہ وہ مردس بک بویا کوئی اور دفتر کی چیز میں پلیس (Miss Place) بوجا میں توسب سے پہلے انچارج معا حب کے نوٹس میں بونی چاہیے اور پھراس کے بعد جو جو ذمہ دران ہوتے ہیں۔ اُن سے اُسی وقت الگ الگ Explaination کال کی جائے۔ اس بناء پر ایک تو تا نونی تقاضے پورے بوجا کیئے اور دوسری بات ہے کہ میں نے فلاح فض کو یہ کہان اُس نے جھے در کہال۔ بیرماری

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باتس Just کپشپ کے در او کاریس آتی ہے اور زبانی خرج الرسوا کھیس ہے اور اُن کی کوئی قانونی حیثیت نہیں ہوتی ہے۔ جس طرح آفس اسسنن صاحب اپن ڈیوٹی میں کوتا ہی جرئے کے بعدادھراُدھر کا نفول یا تنی کہدہ اے کسیس نے قلاح طازم کو بیکمال اوردوسرے طازم کو پھاور

جناب عالى!

قانون می صرف اور مرف ریشن ورک (Written Work) جو لیشری صورت میس کی بھی طازم کے پیچیے جاری کی جاتی ہے۔ وہ قالونی شكل اختار كرليتى بدوه قانونى نقط فكاه سے بهت بى امپار شد الميت كے حامل موتى باور باتى نفول تم كى باتى اور زبانى جمع خرج كى قانونى نقط نگاہ میں کوئی اہمیت نہیں ہے۔ جس طرح آفس اسٹنٹ صاحب اپنے ڈیوٹی میں کوتا ہی جرنے کے بعد اپنے آپ کو برقصور تابت کرنے کیلئے ادھر اُوسر کی نفنول با تی کہد ہاہاورا پی ڈیوٹی میں کوتا ہی جرستے اور غیر مجددگی کا مظاہر کرنے کے بعدد دسرے ملازمین پرملبرڈ الناج اہتاہے۔ جن کا مجرملا ذكرانچارى صاحب بېلك لائىرىرى كى مروت اورانكوائرى كىنى صاحبان نے اپنے ليٹريس كيا ہے۔ جوكدرخواست كے مراه لف ہے۔

دوسری اہم بات جو کہ قانونی نقط نگاہ سے بہت بی اہمیت کا حال ہے۔ دور کہ عاصم سلیم جونیز کلرک پبلک لامبر مری کی مروت مورور خاص اجازت لیے بغیر غیر حاضررہ ہیں۔ بھردوسری اہم ہات جوقا لونی نظرانگاہ کے بنا وپر بہت ہی اہمیت کے حال ہے۔ وہ یہ کہ پہلے تین مہینے لینی 05-04-2019 \_05-06 تک أس كانام النيندس رجر من لكها جانا ربا - پيمرأس ك بنديني مورند 2019-07-01 سي لير مورند 2019-12 تک اُس کانام النینڈس رجسٹر میں نہیں کھا جا تار ہا۔جو کر قلم کھلا قانون کے خلاف ورزی کے ذمرے میں آتا ہے۔وہ ای لیے ایک تو بغیر کی خاص طریقے سے اجازت لیے بغیراپ ڈیوٹی کے اکٹیٹن سے غیر حاضر رہا ہے اور دوسری مہر مانی جمان سے ساتھ کی جارہی ہے۔ وہ میکان کانام المیندس وجر می تبین کلها جار بائے۔جو کقام کھلاتا نون کے خلافی درزی کے ذمرے میں آتا ہے۔ جناب عالى!

جب لائم ریک کے اُپر کے افسران بالا اس مے دیکار ڈیس فیم ریک میرا پھیری اور دیکارڈیس ردوبدل کرتے رہے تو اُس آفس کے مجمی لمازم کے مروس بک میں چھیجی ہوسکتا ہے۔

لبداآب ما حبان سے نہایت ہی مود باند گذارش کی جاتی ہے۔ کمان تمام تقائن کو لکھنے اور آپ ما حبان کے نوٹس میں لانے کا مقعد یہ کہ آب ما حبان کواصل حقائق اور وجو ہات ہے آگا و کرسکوں۔جو کہ آپ معاحبان کے علم سے باہر ہے۔ لہذا اب آپ صاحبان کو قانون کے تناظرين فيعلدكرف ينآساني موكى

نوٹ:۔ آفس اسٹنٹ ماحب نے جوریکارڈیسٹمپرنگ کا ان کی کا بی اور عامم سلیم صاحب جونیز کلرک کی غیر عاضری کاریکارڈ درخواست کے . ہمراہ بطور ثبوت مسلک کردی مخی ہے۔

جناب عال!

اب بول ببلک لائبرى كة فس اسسنن كى بارى يىلكسناچا بونكا - جوكدا يئة آب كوبردا د مددار مركارى افسر محصا ب اورمنومن قالول كمطابق النية ديونى مرانجام دين كا بابندى مجمتاب والزيكرماحب فيدريدة ردرايك ليرجارى كيا كياب كة فس استنف بول بلك لائبريرى اكاذنث ورك كعلاده اذينوريم بإل اورانيندس رجشريراب ذيوثى كفرائض مرانجام دے كا بول پلك لائبريرى من تعينات خورشيد جہال صاحبہ کیفالا کرکم کلاسیفا کرا ہے اربول رپورٹ کے بعد ہے تقریباً ڈھائی سال سے اپنے ڈیوٹی کے امٹیشن سے بغیرکی خاص دجہ سے غیر حاضر ہے



-20-

المحاضری رجر میں آن کے نام کے ماسے نہ نی Casual Leave اور نہیں آن کے نام کے سامنے فیر حاضر ہواورا بھی تک آفن اسٹنٹ اللہ میں کا سیفا گرائے عرصے اپنے ڈیوٹی کے شیشن سے فیر حاضر ہے اور ابھی تک آفن اسٹنٹ صاحب بنول پیک لائٹر ری نے آن کے فیر حاضری کے بیچے کوئی قانونی چارہ جوئی نہیں کی ہے اور ندائن کی طویل فیر حاضری کی دیورٹ بیڈا آفن سے جو اللہ میں اللہ میں کہ مطابرہ کر رہا ہوتو وہاں پر دومر نے ملاز مین کامر کاری دیکارڈ کیے محفوظ دے کردہ ہیں اور میں اللہ میں اللہ میں کارکاری دیکارڈ کیے محفوظ دسے گا اور میں حابان جو ہوئے برے بلند باود تو سے ڈیوٹی کے حوالے کردہ ہیں۔ جب آن کا دل چا ہے تو اپنے پندیدہ ملازم کور عابت دسے ہیں تو چاہے وہ اپنی کومز اوسے ہیں تو قصدا آن کے دیکارڈ میں ٹیرنگ ایس اللہ میں کومز اوسے ہیں تو قصدا آن کے دیکارڈ میں ٹیرنگ ایس اللہ میں کومز اوسے ہیں تو قصدا آن کی دیکر کے مطابق مزا تبویز کر کھتے ہیں۔ جو کہ تام کھلا تا تون کی خلاف ورزی کے دمرے میں آتا ہے۔

نوٹ: - خورشید جہاں صاحب کیوالا گرکم کلاسفائز بنول بیلک لائبر مری کے غیر حاضری کی رپورٹ دوخواست ہمراہ لف ہے۔ جناب عالی!

اب آب کوش میں تحد دیا ہے۔ من کا ترکہ کرنا جا ہونگا مورخہ 2020-04-04 کوانچاری پلک لائبری کی مروت نے ایک التر بری کا مروت کے ایک التر بری کا مروث 30/03/01 ہے۔ اس آرڈر جا مطابق ہیا ہے۔ الله خان بینٹر کلرک کے برویز ٹن میں نائب قاصدا ور موجو لائبری کے اندرا در باہر شاف نوعیت کے ڈیو ٹی سرانجام دیکے آئ مورخہ 2020-03-05 کولائبری میں حب کے آئی آرڈر کے مطابق می فوجو کے اندرور کے مطابق میں انگاش ہزل ، انگاش میں میٹ نازوار در پیکٹن کے طابق کا دورون کی فرد کی المارٹ میں بائی ہے وجویا۔ لائبری کے مختلف کی میٹن میں میٹ کی کرنے کے بعد ہم شاف مجرز آئی میں جائے بیٹے کیلئے چلے گئے۔ اس دوران جورٹی جوئیر کل کرا ہر سے میں میٹ کی ایک میں میٹ کی اور کردیا گئے۔ اس دوران میں میٹ کی ایک میں میٹ کی کے اندروان میں میٹ کی اور کی میں میٹ کی کے میں کہ اندروں کی خلاف ورزی کے ایک دوران کو بریٹانی اور میں کردیا گیا۔ کہاں کے اس آرڈر کی مطابق جوئی کا ذری کی مطابق جوئی کی کے اس دوران کی میٹ کی کے میں کردیا گئے۔ کہاں کے اس دوران میں میٹ میٹ کی کے میں کردیا گئے۔ کہاں کے اس دوران میں کردیا گئے اور کردیا گئے۔ کہاں کے اس دوران میں میٹ کی کہاں کے اس دوران میں کردیا گئے اور کردیا گئے۔ کہاں کے اس دوران میں کردیا گئے۔ کہاں کے اس دوران میں کے میان میں کردیا گئے۔ کہاں کے اس دوران میں کردیا گئے اور کردیا گئے۔ کہاں کے اس دوران میں کے میان میں کردیا گئے۔ کہاں کا میں کہا کہاں کے اس دوران میں کردیا گئے۔ کہاں کے اس دوران میں کردیا گئے۔ کہاں کہاں اور کوئی کہا کہاں کہاں اور کہا دوران کی خوات دوری کے دورے میں آئا ہے۔

آپ صاحبان سے پُرزورا پیل کی جاتی ہے۔ کہ لائبریری کے مفادیس ہدایت اللہ فان بینٹر کلرک کے ذیر گرانی کام کرنے والے ملاز مین کو بغاوت پراُٹر وانے اور پریٹانی سے دوچار کرنے والے جونیئر کلرک محمد فیل فان کے خلاف قانون کے مطابق سخت سے سخت ایکشن لیا جائے۔ تاکہ آئندہ کوئی بھی سرکاری ملازم لائبریری کے مفادیس کام کرنے والے ملاز مین کو بغاوت پراُٹر وانے اور پریشانی سے ہمکنار نہ کریں۔ جناب عالی!

جس دن بدواقعہ پیش آیا آفس میں اُس دن انچاری صاحب چھٹی پرتھا۔ پھراُس واقعے کی رپورٹ بذرید موبائل انچاری پابک لائبریں کو کو دنگئے۔ پھرانچاری صاحب نے کہال کہ میرے آئے تک تو ڑا صبر سے کام اواور ڈائز یکٹر صاحب کواطلاع مت دو۔ پس چھٹی کے بعد آفس آگراس کی مسئلے کو دفتر کے اندرحل کرلیں مجے لیکن محمد یق جونیز کلرک نے انچاری صاحب کی پروائیس کی اور سیداڈ دائز یکٹر صاحب کو بذرید موبائل فون اطلاع وک اس واقعے کی اور سید ھاڈیز ایکٹوریٹ آف اوکا ئیوز اینڈ لائبریریز ڈیپارٹمنٹ پٹاور پہنے گیا۔ وہال پر میرے خلاف کم پلینٹ جم کرادی۔ جناب عالی!

ATTESTOP

اس داتع سے پہلے انچاری پبلک لا برری نے لا برری کے اندر مخلف نوعیت کے سرکاری کام کرنے کے دولیٹر جاری کے تھے ادر میں نے چارج صاحب کے سرکاری آرڈر پرمن وعن مل درآ مدکرایا گیا ہے اور اُن کا بخوبی انداز وانچادج صاحب اور لائبریری کے دوسرے ساف مبرز کو بھی ے۔ جب جمعے پند چلا کے محدر فیق جونیر کلرک نے انچارج صاحب کی آرڈر کی پروائیل کی اور سیدها ڈیزا یکٹر صاحب کومیرے فلاف لیٹر بھیج دیا۔ تو پھرمیری مجوری تھی کہ میں بھی اسپنے حق میں اس پورے واقع سے انچارج صاحب اور ڈائز یکٹر صاحب کو آگاہ کرسکوں۔ چونکہ انچارج صاحب چھٹی پر مصح جن كى بناء بريس في من دُائر يكر صاحب كوبذر بعد ليراس بور دواقع سعة كاه كرديا كيا . جس دن بيواقع بيش آيا تفاأن دنول من انجارج صاحب چھٹی پر تھا۔ پھر کرونا وائرس کی دجہ سے یو نیورٹی مکول، کالجز اور لائبر بریز بند ہوگئے۔اب انچاری صاحب نے میرے درخواست پرشکایت برائے محددیق جونیز کارک کے نام سے ایک لیٹرآ پ صاحبان کے وائس میں لانے کیلئے بھی دیا۔ جن کا نمبر 63/3/10LPL اور تاریخ 2020-07-14 انچارج صاحب نے بذر اید آفس آرڈر جن کا نمبر 30/3/1LPL اور تاریخ 2020-03-04 اس آرڈر کے مطابق مسٹر ہدایت الله فان مینم کلرک کے بیرویژن میں لائبریری کے دوسرے طاف ممبرز مختلف نوعیت کے ڈیوٹی سرانجام دینکے پھرمن وعن ہم نے اس آرڈر کے مطابق كے مطابن كام شروع كرديا۔ لائبرىرين صاحب نے جوآرڈرڈ بوٹی كے حوالے سے نكالا تھا۔ اُس پرحماد بارى نائب قاصد كے دستخدارہتے ہے۔ كيونك اُس دن وہ آفس بیس آیا تھا۔ پھررفیق خان جونیز کارک با ہرے آ کراُس کے ہاتھ میں لیٹر بھی تھا اور باتی سٹاف مبرز کوید لیٹرد یکھار ہاتھا۔ اس لیٹر کے مطابق جوبھی ملازم ہدایت خان بینئرکلرک کے بیرویژن میں لائبریری کے اعد مختلف نوعیت کے سرکاری کام نیس کرے گا۔ جس اس آرڈ دمیں انچاہی صاحب ببلک لائبریری نے کیا ہے۔ تو اُس کے خلاف مخت سے مخت ایشن لیا جائے گا۔ پھراُس دنت میں نے اُن کو تمجمانے کا کوشش کی کہ آپ میہ اقدام غیرقانونی ہے۔ کہآپ لائبریری سٹاف کوکام سے رکوانے اور بغاوت پراٹروانے کی کوشش کردہے ہواور آپ کابیاقد ام قانون کے خلاف ورزی کے دمرے میں آتاہے۔ جناب عالى!

آپ صاحبان سے پُرزورا بیل کی جاتی ہے کہ انچار ن صاحب کے سر کاری آرڈر پر عمل درآ مد کرواتے ہوئے بیمسئلدر پیش ہوا ہے۔ لہذا آپ صاحبان اس مسئلے کو قانون کے دائرے میں رہ کراس کوحل کرنے میں ہماری رہنمائی اور مدوفر مائیں۔ ہم آپ صاحبان کے مشکور رہیں گے۔ نوث:۔ انچارج صاحب پلک لائبرری کی مروت نے جومر کاری آرڈر بنام ہدایت الله خان سنٹرکلرک جاری کیے تھے۔اُس آرڈری کا فی درخواست کے ہمراہ لف ہے۔

جناب عالى!

آپ صاحبان کے لوٹس میں بہت ہی افیار منٹ بات کاذکر کرنا جا ہتا ہوں۔ جو قالو ٹی گاظ سے بہت ہی اہمیت کی حامل ہے۔ وہ بیکہ جس دوران محمد فتی جونیر کلرک کے ساتھ جومسئلہ در پیش ہوا۔اُس دوران انچاری صاحب چھٹی پرتھا۔ پھر میں نے اپنادر خواست شکایت برائے محمد فیق جونیز کلرک پیلک لائبریری کی مروت ڈائز یکٹرصاحب کے نام بذرید داسٹری بھیج دیا۔ سی عقل مندنے سیح فرمایا ہے کہ جھوٹ کے پاؤں نہیں ہوتے۔ اس مسئلے بابت الکوائری کمیٹی صاحبان نے اپنے نوٹ میں لکھاہے۔ کہا میں تک ہدایت خان میٹرکلرک نے اپنے دفاع میں بیان جع نہیں کرایا ہے۔ میں ن بناجواب بذر بعد جسرى مورخد 2020-03-13 كوميرًا فن بين ديا تفا مورخه 2020-07-14 كوانچارى صاحب فيرى ورخواست جور فی خان جونیر کلرک کے خلاف آپ صاحبان کے توٹس میں لا ناچا ہے تھے۔ اُس دوران پوسٹ مین نے ایک لیٹر بنام انچارج لائمر مین صاحب پلک لائبرىرى كى مروت لے آیا۔ أس لينز كانبر 832/3/10/A/DA مارئ 07-2020 جاس لينز كے ماتھ نسلك ميرى وه لينز تى جو میں نے دفت جونیز کارک کے خلاف آپ صاحبان کو بھیجی تھی۔ایک طرف انکوائری کمیٹی صاحبان اپ نوٹ میں لکھ رہے ہیں کہ آبھی تک دفتی جونیز کگرک کے خلاف آپ کا کوئی لیزہمیں موصول نہیں ہواہے۔ تو دوسری طرف بڑی تعجب کی بات کے آپ نے میرے اُس لیٹر کونمبر 376/3/10 مود خہ

الم 202-03-16 ديا بوا ي

مير المان الفافي اوردو براء معيار كاسلسل كب تك يطاك كونكمانياري صاحب جب بهي بهي وفتر كركاري المازم كومركاري كامادا كرف كاآردر جارى كرے كاتو چاہے جو بھى سركارى ملازم ہوأن كوده در ين احس طريقے سے اداكرنا چاہيے۔ الخندللہ جب بھى بھى انچارج صاحب نے مجھے مرکاری کام اداکرنے کا کہاں ہے۔ تو میں نے اللہ تعالی کے نفسل وکرم سے بہت احسن طریقے سے اداکیا ہے۔ انشاء اللہ بمیشہ قانون کے دائرے میں رہ کرلائبر بری کے مفادیس کرتار ہو نگا۔

جناب عال!

گذارش بكرة ب صاحبان كووز براعظم كمپلين أيل كاطرف ساك لير آيا ب-جن كانمبر (KP09120-625847) جسيس ذكركيا كمياب-كمين المبريرى ساف اورمبرز كساته بدنيزى كرتابول

جن ممبران صاحبان كى پلك لائبرىرى ئى مىرى خلاف دزىراعظم كمپلىدى سىل ادر دائر كىشر صاحب كولىئر مىجاب - تو ژاسا أن كے متعلق لكسناجا مونكا جوكرةا نوني نقط زكاه سے بہت بى اہميت كے حال ہے۔

جن مبران کی مروت پاک لائبر میری نے میرے خلاف کم پلینٹ کیا ہے اُن کے نام درجہ ذیل ہے عزیز خان ،اکبرز مان ،خوشدل اور شاہد۔

ان چاروں نام والے مبران کی مروت پیک لائبر رہی کوہم نے سٹو ڈنٹ رجٹر اور نان سٹوڈ نٹ رجٹر میں چیک کرے اُن کا نام ونشان تک مبين پايا كيااورندى بيچارون نام وافي مارى البريرى كمبرزب

تيسرى الهم بات جوكه قانونى نقطدنكاه سے بہت الهم ليے ده بيكمان چارون ممبران كلى مردت پلك لائبرىرى نے اپنے نام كے ماتھ ولد

صاحب کانام شاختی کار ڈنمبرمو باکل نمبراور کمل پندورج نہیں کا ہاورنہ بی اپنامبرشپ نمبراورد یکار ڈورج کی ہے۔

چھوتی اہم بات جوقا نونی لحاظ سے سب موی اہمیت کی حال ہے دہ بیکان ممران کی مردت پلک لائبر میں نے انچاری صاحب الائبرىرين كنوش منبيل لائى ب-كىفلال ساف دالى رديئ سے بم لوگ تنك ب-مير سانچارى صاحب نے جوليمر مرد يونى كے حوالے ہے میرے کردار کے حوالے ہے اور میرے اخلاق کے حوالے ہے جو لیٹر آپ صاحبان کو بھیجا ہے۔ جس ممبران پلک لائبر مری کی مردت نے Citizain Portel پر جو کمپلید میرے خلاف درج کی گئی اُن کے جوت اور جواب کیلئے میرے انچاری صاحب کالیزنمبر

23/3/10/LPL ما درتاري 2020-02 وه كان ميدانچاري صاحب كالير درخواست كيمراه لف ب-

جناب عالى!

اب آپ صاحبان کے نوٹس میں اہم اور قانونی نقط نگاہ ہے اہم بات کا ذکر کرنا چاہتا ہوں۔ وہ یہ کہ چھ مرمقبل ہمارے شاف ممبرز تما دہاری کے نائب قاصدادر نیف رسول ہمارے لائبریری کا جزل پلک مٹوڈنٹ ہے اور اُن کامبرشپ نمبر 22ہے۔ اُن دونوں کے درمیان کتابوں کی ایشوز (Issues)اورریٹارنز (Returens) پر جھکڑا ہوا تھااور مسکا کا فی ہاعث تشویش اور پریشانی کابن گیا تھا۔ دونوں کے درمیان تصادم کا خطرہ پرو کمیا تمائين أى ونت انچارج صاحب كوبذر بيدموباك اطلاع دى كى چونكه يين أى ونت انچارج صاحب موقع پرموجودنييں تفا الله كفشل كرم سے ہدا بہت اللہ خان سینٹر کلرک نے موقع کے زاکت کود کیستے ہوئے حالات کو کنوول میں کر دیا اور دونوں کے درمیان لائبریری کے بہتر مفادیں صلحہ کرادی مى -اس واقعدى بذات خود حاد بارى نائب قاصداور لائبرى ساف كواه بـــ

جتاب عالى!



میں نے بمیشہ لا بحریری کے مفادیس کام کیا ہے۔ بھی انچاری صاحب کے ساتھ ملک کرلا بحریری مجرزی تعداد بوصانے کیلے کالجوں،
سکولوں، ڈسٹر کٹ جیل کی مردت، TMO آفس، DC آفس، AC آفس اور یو نیورٹی کے دورے کیے بیں کبھی لا بحریری مالی کے ساتھ لا بحریری لان کے متعلق ل بحل کرمشاورت کرتے ہیں۔ کہلا بحریری لان میں کو نیے پھل داراور پھولدار درخت فائدہ مندر ہیں گے اور المحمد شدا بحریری لان کی تیاری میں ہر مہینے صدقہ جاریہ کے طور پر مالی صاحب کی مالی عیانت کرتار ہتا ہوں۔ اس بات کا بذات خودانچاری صاحب، مالی عمران الشاورد میر لا بحریری ساف گواہ ہے۔ میرے لیے سب سے بوے اعزازی بات سے بھانچاری پلک لا بحریری کی مردت میرے ہرکام سے مطمعین ہے۔ جو میں لا بحریری کے مفادیس وقافوا قادا کرتار ہتا ہول ۔۔
لا بحریری کے مفادیس وقافوا قادا کرتار ہتا ہول ۔۔

جناب عالى!

ادپرا ٹناتفعیل سے لکھنے کامقعد بیہ کہ اکوائری کمیٹی صاحب کوتمام تھا گاہ کیا جائے۔ تا کہ آپ صاحبان کوقانون کے تناظر میں سیجے فیصلہ کرنے میں آسانی ہو۔ جب انچاری صاحب کی ملازم کے ACR میں پازیٹر (Positive)ریمار کم ترکز لیں۔ تو اُس پراُن کی پروموشن کی جاتی ہے۔ جاتی جادر جب انچاری صاحب کی ملازم سے ACR میں ٹیکٹر (Negative)ریمار کس ترکز کر لیں تو اُن کی پروموش دوک دی جاتی ہے۔ جناب عالی!

آپ صاحبان سے گذارش کی جاتی ہے کہ جب انچاری صاحب میری ڈیوٹی ، میرے اخلاق وکروار، میرے کام اور میرے پرفار نس ا (Performance) سے مطمین ہوں تو باتی لوگوں کی کیا حیثیت رہ جاتی ہے۔خواہ وہ لا بسریری کے مبرز ہویالا بسریری کے شاف والے۔ جو انچاری صاحب کے نوش میں لائے بغیر جھوٹی کم پلینٹ بھیجے ہیں اورخواہ تو امیری ٹاکھ کوخراب کرنے کی کوشش کرتے ہیں۔ اُن کے خلاف میں قالو لُلُ عارہ جو کی کا پناحت محفوظ بھتا ہوں۔

لہذا آپ صاحبان سے گذارش کی جاتی ہے کہ شوکا زنونس میں لگائے گئے تمام الزامات کو یکسرختم کی جائے۔ نوٹ:۔ تمام دستادین شوت ہمراہ درخواست لفہے۔

مورفد: 22-07-2020

ATTESTED



## DIRECTORATE OF ARCHIVES & LIBRARIES, KHYBER PAKHTUNKHWA, PESHAWAR.

Phone: - 091-9210100 Website: - www.kpdal.gov.pk, www.facebook.com/KParchivesandlibraries.

No. 968 /3/10/DA Dated 30 /2 /2020.

#### ORDER

ANNEGO F

No. \_\_\_\_\_/3/10/DA. WHEREAS, Mr. Hidayat Ullah, Senior Clerk(BPS-14), Public Library, Lakki Marwat was proceeded against under Section 5 of the Khyber Pakhtunkhwa Government Servants(Efficiency & Discipline)Rules, 2011.

- WHEREAS, a Show Cause Notice bearing No. 227/3/10/DA dated 07-07-2020 was sent to the official to defend his position regarding allegations of failing to improve overall conduct in wake of the previous three minor penalties imposed upon him for habitual absence & misconduct in 2011, 2013 & 2018 and keeping his service book in personal custody with malafide intentions of tampering record of the penalty entered on page-17 of his service book.
- 03- WHEREAS, the official in his reply dated 22-07-2020(received in this Office on 27-07-2020) furnished in response to the show cause notice, failed to substantiate justification or produce any evidence or witness to his defense, whereby, his reply was found irrelevant and dissatisfactory.
- 04- AND WHEREAS, the competent authority after considering the findings & recommendations of the inquiry report and dissatisfactory & irrelevant reply of the official to the show cause notice, is satisfied that the allegations mentioned in the said show cause notice, stand proved against Mr. Hidayat Ullah, Senior Clerk.
- NOW THEREFORE, in exercise of powers conferred under rule-04(01,b,i) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the competent authority is pleased to impose major penalty of reduction to lower post of Junior Clerk(BPS-11) for five years upon Mr. Hidayat Ullah, Senior Clerk(BPS14) with posting against the existing vacancy in Public Library, Lakki Marwat, Directorate of Archives & Libraries, Khyber Pakhtunkhwa with immediate effect.

(Zahir Ullah Khan)
Director of Archives & Libraries,
Khyber Pakhtunkhwa, Peshawar.

#### Endst: No. & date even.

Copy forwarded to: -

- 01- District Accounts Officer, Lakki Marwat.
- O2- Incharge Librarian, Public Library, Lakki Marwat with directions to handover copy of this order to Mr. Hidayat Ullah under proper receipt and furnish the same to this office.
- Mr. Hidayat Ullah S/O Haji Abdul Jalil, resident of Village, Dallo Khel, Lakki Marwat.
- 04- Office Orders File

Director of Archives & Libraries, Khyber Pakhtunkhwa, Peshawar

ATTESTED

F

To

The Hon'ble Secretary
Higher Education, Achieves & Library
Department, Peshawar.

ALMER 9

Subject:

Departmental Appeal against the impugued order dated: 30-07-2020 passed by Hon'ble Director Archives & Libraries, Peshawar vide which a major penalty of reduction to lower post of junior clerk for five years was imposed upon the appellant.

#### Respected Sir,

With profound respect, the appellant in reference to the subject cited above, most respectfully submits as under.

- 1. That the impugned order dated: 30-7-2020 has been passed by the Hon'ble Director, without properly scanning the written reply and record of the case.
- 2. That the allegations leveled against the appellant are baseless and it has no foundation at all. The appellant duly submitted all medical documents to the inquiry committee and also placed the same before the Hon'ble Director/competent authority for perusal, so as to justify the allegation of absentee against the appellant and to this effect, the appellant properly demanded payment of medical bills which have been submitted to the competent authority for onward action. It would be relevant to state that the appellant was seriously ill and all the explanations issued to him were duly replied with medical prescriptions. It would also be of axiomatic importance that the appellant never absented from the duty and if he made any leave, then for that matter he properly submitted application.
- 3. That the competent authority/Director, leveled allegations of misconduct against the appellant, but neither the record would suggest that any show cause or notice was ever issued to the appellant nor the appellant was provided any proof that which type of misconduct was committed by the appellant. Mere mentioning misconduct is not sufficient to penalize a civil servant, as it needs strong proof and documentary evidence which is lacking in the present case.
- 4. That no warning whatsoever issued to the appellant by the competent authority for improving the conduct, as alleged by the competent authority in the impugned show cause notice.
- 5. That the appellant was also charge sheeted and given show cause for tempering with the service book. In this context, it is submitted that service book is also kept in safe custody of the office and office custodian/office Assistant is the person who will justify the same. It is astonishing that how a service book was remained in the possession of the appellant, and if for the sake of discussion, it is presumed to be correct then whether the office assistant was ever asked for the same.



- 6. That the appellant was never issued any explanation for having the alleged possession of service book. Which is sufficient to disprove the allegation of tempering in service book. As it has been allegedly noted by the inquiry committee that the appellant was allegedly in possession of service book since 13-02-2019 but they have been failed to bring on record that any notice / letter was ever issued to the appellant to return the service book.
- 7. That as per law, it is the duty of dealing assistant/office assistant to maintain the safe custody of all record of office and if any negligence has been committed by them, then it can't be attributed to the appellant and the appellant can't be penalized for the same. It would be noteworthy that the inquiry committee also held responsible the dealing assistant and incharge librarian for their negligence.
- 8. That the appellant duly proved the tempering made by the office assistant in other record of the office and highlighted the same before the competent authority as well as inquiry committee wherein he made tempering in the office register of receipt of daily letter received/dak/mails.
- 9. That the impugned order of penalizing the appellant is very harsh and against the facts and record of the case.

It is, therefore, respectfully prayed that the impugned order dated: 30-07-2020 may kindly be set aside and the appellant may kindly be exonerated from the charges leveled against him.

Date: 19/08/2020

Appellant

Hidayat ullah

(Junior Clerk)
Public Library,

District Lakki Marwat.



### GOVERNMENT OF KHYBER PAKHTUNKHWA HIGHER EDUCATION, ARCHIVES AND LIBRARIES DEPARTMENT

Dated Peshawar the, 01 January, 2021.

NOTIFICATION.

No. SO (C-1V)/HED/1-6/Hidayat Ullah/2020:- WHEREAS, Mr. Hidayat Ullah, Senior Clerk, Directorate of Archives & Libraries, was proceeded against and a major penalty of reduction to a lower post of junior clerk for 5 years, was imposed upon him on 30.07.2020, by the Director, Archives & Libraries, Khyber Pakhtunkhwa. The accused upon imposition of the penalty preferred an appeal to the worthy Secretary, Higher Education Department.

AND WHEREAS, he was transferred from Directorate of Archives & Libraries to Bannu Public Library and later on to Lakki Marwat Public Library on 13.02.2019. Since his transfer from Directorate of Archives till 13.01.2020, he failed to hand over his service book to the concerned authorities. Upon which an inquiry was conducted against him and in light of the inquiry report, the penalty was imposed upon him.

AND WHEREAS, the departmental appeal preferred by the accused was examined and processed in this department after following the due procedure in light of the relevant rules/laws of provincial government.

NOW THEREOF, the competent authority examined the appeal of the accused under Khyber Pakhtunkhwa Govt. Servants (Efficiency and Deficiency) Rules, 2011 and under Rule-17 (2) (c) of the rules ibid., is pleased to modify the penalty from reduction to a lower post of junior clerk for five (05) years to reduction to a lower post of junior clerk for one (01) year.

## SECRETARY HIGHER EDUCATION DEPARTMENT

#### Endst: No. & Date as above.

Copy forwarded to the:

- 1. Director, Archives Education Khyber Pakhtunkhwa.
- 2. Incharge Public Library, Lakki Marwat.
- 3. Deputy Director (HEMIS CELL) Higher Education Department.
- 4. PS to Secretary Higher Education Department.
- 5. Mr. Hidayat Ullah, Junior Clerk, Public Library Lakki Marwat.
- 6. Master file

The Oll

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Mr. Hidayatullah Khan

Ex-Senior Clerk, Public Library, Lakki Marwat:

The Govt. of Khyber Pakhtunkhwa

through Secretary

Higher Education Department

Civil Secretarial, Peshawar

The Director

Archives & Libraries Khyber Pakhtunkhwa

The Deputy Director

Archives & Libraries Khyber Pakhtunkhwa

Lakki Marwat.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 30.07.2020 OF RESPONDENT NO.2 WHEREBY MAJOR PUNISHMENT OF REDUCTION TO LOWEER POST OF JUNIOR CLERK (BPS-11) FOR FIVE YEARS HAS BEEN IMPOSED UPON THE APPELLANT AGAINST WHICH HE PREFERRED DEPARTMENTAL APPEAL TO RESPONDENT NO.1 ON 19:08:2020 BUT THE SAME HAS NOT BEEN REPLIED WITHIN THE STATUTORY PERIOD OF 90 DAYS.

PRAYER!

On acceptance of the instant appeal, the impugned order dated 30.07 2020 passed by Respondent No.2 may graciously be set aside and appellant may be restored to his substantive post of Senior Clerk w.e.f. 30.07.2020 with all back

Certified to be ture copy

Appeal No-15290/2020 -29 Hidayatullah VS Grot

11.01.2021

Mr. Muhammad Ghanzafar Ali, Advocate, for addition for withdrawal of the appeal with permission to file a fresh appeal in view of a fresh notification dated 01.01.2021 wherein a fresh cause of action has accrued. The contents of application were reiterated to the learned counsel for appellant which he accepted as correct. Accordingly, the appeal stands dismissed as withdrawn. The appellant is at liberty to file fresh appeal, if he so desired File be consigned to the record room.

ANNOUNCED 11.01.20201

> (MUHAMMAD JAMAL KHAN) MEMBER (JUDICIAL)

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Knyber Ahtunkhwa Service Tribunal Peshawar 25//265

OFFICE OFFIEE LIBRARIANA Lakki Publica brary Lakki Marwad No. 23/3/40/LPL Dated: 12/02/2020

To

Mr. Naveed Ullah Jan Convener, Inquiry Committee

Subject

## WRITTEN STATEMENT/REPLY TO THE CHARGE SHEET NO. 17/3/10/DA

Reference to the letter No. 214/3/10/DA dated: 10/02/2020 relating to the allegation upon Mr. Hidayat Khan, Senior Clerk BPS-14, Public Library Lakki Marwat.

The following reply is submitted.

- 1. Maintenance and custody of the service books of all the staff of the Library is not included in my Job Description.
- 2. The same question may be asked from accused Mr. Hidayat Khan Senior Clerk BPS-14 Public Library Lakki Marwat.
- 3. When Hidayat Khan, was proceeded and Punished on 11/1272018, at the same time he was transferred from Directorate of Archives and Libraries, Peshawar to Public Library Bannu. The detail for the increment for the year 2018 may be asked from the Directorate of Archives and Libraries as the accused was serving their in that period. However, when it was come to my knowledge that the accused has received the excess amount of his annual increment amounting to Rs. 1170 December 2019, the same has been reported to account office through source-2 for the recovery of annual increment 2019. (Copy enclosed).
- 4. As stated in question 4 in letter referred above, Copies of the Pay slips for the month of November, December 2019 and January 2020 is enclosed.
- 5. The detail of the attendance of the accused and all staff of the Library is enclosed. Over All Conduct and Behavior of the accused with the Library users and the staff was satisfactory during the year. He carried the assignment as directed by the undersign moreover notwritten complaint from general masses and officials of the library was received during the year 2019.

Anwar Jalal Librarian

Lakki Public Library, Lak

ATTESTED

يخدمت جناب ذائر يكرما حب ذائر يكورت آف كما تكافيذا جريرك فدياد نمن فيرم يخوخواه بيثاد ان سانداملا برويم كم تمين گذارل م كتاب داران كور و (KP090120-625847) آياج تركاميان ويور بر 487/3/10/DA-Dated:03/02/2020 كاترى كالمركام كالمركام كالمركام كالمركام والمركام كالمركام والمركام والم والمركام والمركام والمركام والمركام والمركام والمركام والمركا الدين المان المان المان كوك المرام المان كوك المرام المان المان المان المان كوك المرام المان الم لاجريك كاشاف اددلاجري كالمحمرة الناركاة بين وكنفراده يميزة الاستاف كرما تعقيات فيت معدقا بالدخر يناف تبسير المرساليانات كَاذَالْ وَكُنْ كَالْ الْمُعَالِمُ الْمُعَالِمُ الْمُعَالِمُ الْمُعَالِمُ الْمُعَالِمُ الْمُعَامِلِهِ الْمُعَامِلُهُ الْمُعَامُ الْمُعَامِدُكِ الْمُعَالِمُ الْمُعَامِمُ الْمُعَامِمُ الْمُعَامُ الْمُعَامِمُ الْمُعَامِمُ الْمُعَامِمُ الْمُعَامِمُ الْمُعَامُ الْمُعَامِمُ الْمُعَامِمُ الْمُعَامِمُ الْمُعَامِمُ الْمُعَامِمُ الْمُعَامِمُ الْمُعَامِمُ الْمُعَامِمُ الْمُعَامِمُ الْمُعَامُ الْمُعَامِمُ الْمُعَامِمُ الْمُعَامِمُ الْمُعَامِمُ الْمُعَامِمُ الْمُعَامِمُ الْمُعَامِمُ الْمُعَامِمُ اللَّهِ الْمُعَامِمُ الْمُعَامِمُ اللَّهِ الْمُعَامِمُ اللَّهِ اللَّهُ اللَّهُ اللَّهُ اللَّهُ اللَّهُ اللَّهِ اللَّهِ اللَّهُ اللَّهِ اللَّهُ الْ عن الول مان على كران التوط المتابين 14/02/2020:*3* ساف کی پلک لاجری کی مرد Wahidullah W ورت الدخادي - كم فاروع Spada + Ulh Sang M- Islar - HA Homad Basi Obani >1253 - Wilder law im gijolios مبران كايلك العروى كالمردت 10 Lecture Bankat Vah W COCOLLEGE PARE MISAMA Alla UV Rehman Sir Hilayatallah is very mice person imed Wlah De Talk this passes ATTESTED

بعدالت سروس مريم لل ، مقدمه دعوى باعث تحريرا نكه مقدمه مندرج عنوان بالإمين الي طرف سه واسط بيروى وجواب دى وكل كارواك متولق آن مقام ملي ملي ماليولمان البروس الدوران الم مقرد كرك اقرار كياجا تاب كرصاحب موصوف كومقدم ككل كاروائى كاكال اختيار ، وكانيز وكيل صاحب كوراصى نامكرن وتقرر دالت وفيعله برعلف ديء جواب دى ادرا قبال دعوى ادر بسورت ومرى كرف اجراءادرصولى چيك دروبيارعرضى دعوى ادر درخواست برتم كى تقديق زرایی پردسخط کرانے کا اختیار موگا۔ نیز صورت عدم پیردی یا ڈگری مکطرف یا بیل کی برا مرگ ادر منسوخی نیز دا نز کرنے اپیل مکرانی دنظر ثانی دبیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ ندکور ككل ياجزوى كاروائى ك واسط اوردكل يا مخارقا نونى كواسية بمراه يًا اسية بجائة تقرر كا اختيار موكا اورصاحب مقررشده كوممى وي جمله مذكوره بااختيارات حاصل مول محاوراس كاساخته برواختة منظور تبول موكار دوران مقدمهين جوخر چدد برجانالتوائ مقدم كسبب عدوموكا کوئی تاری پیتی مقام دورہ پر مویا حدے باہر موتو دیل صاحب پابند موں مے۔ کہ پیروی لمُدُورُ مِيں۔لہذا وكالت نام لِكھديا كەمندرے ۔ الرق المرقع

### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

### Service Appeal No. 1619/2021

Mr. Hidayat Ullah Khan, Ex, Senior Clerk, Public Library, Lakki Marwat. .....(Appellant)

### Versus

The Sec	retary,				•			
Higher	Education,	Archives	&	Libraries	Department,	Khyber	Pakhtunkhwa	&
Others.					(Respo	ondent).		

### INDEX.

S.No.	Description of Documents	Date	Annexure	Pages.
1.	Para wise Comments			01-03
2.	Affidavit			03-A.
3.	Inquiry Report		Α	04-10
4.	Order passed by the appellate authority of exoneration and setting aside of minor penalty of withholding of 02-increment from the appellant.	14-12-2020	В	11
5.	Order of major penalty of reduction to lower post of Junior Clerk (BPS-11) for five years imposed upon the appellant.	30-07-2020	С	12
6.	Modified Order of the appellate authority of reduction of the appellant to the lower post of Junior Clerk (BPS-11) for one year.	01-01-2021	D	13
7.	Charge Sheet	03-02-2020	Е	14-16
8.	Reply to Charge Sheet	17-02-2020	F	1?
9.	Reply to Show Cause Notice	22-07-2020	G	18-23
10.	Show Cause Notice	07-07-2020	Н	24
11.	Record of overwriting in Service Book of the appellant.		I .	25-26
12.	Statement of Incharge Librarian	12-02-2020	Ј	27

Director of Archives & Libraries, Khyber Pakhtunkhwa, Peshawar.



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#### Versus

The Secretary,
Higher Education, Archives & Libraries Department, Khyber Pakhtunkhwa & Others. .............................. (Respondent).

Respectfully Sheweth

### **Preliminary Objections**

- 1. The appellant has neither cause of action or locus standi to file the instant case.
- 2. The appellant has not come with clean hands to this honourable Tribunal. He has concealed material facts from this honourable Tribunal, disclosure of which may disentitle the appellant from the relief as prayed for.

### PARA WISE COMMENTS ON FACTS.

- 1. Incorrect. The appellant has a bad record of habitual absence and misconduct reflective of the three minor penalties (consisting two of Censure and one of withholding two annual increments) imposed upon him in 2011, 2013 & 2018 with conversion of his overall 532-days absence period on different occasions into Leave With Pay, Earned Leave and Medical Leave as explained under para-03.1(ii,a,b&c) of the inquiry report(Annex-A). However, the appellate authority exonerated the appellant from the charge in third inquiry conducted in 2018 and set aside the penalty of stoppage of two increments vide No. SO(C-IV)/HED/1-6/Hidayat Ullah/2020 dated 14-12-2020 (Annex-B). Similarly, the competent authority imposed softer major penalty i.e. reduction to a lower post of Junior Clerk for 5 years vide No. 968/3/10/DA dated 30-07-2020(Annex-C) instead of the major penalty i.e. Removal From Service recommended by the Inquiry Committee mentioned under para-04(ii) of inquiry report(Annex-A, supra), however, the appellate authority further reduced the said penalty to reduction to lower post of Junior Clerk for one year vide notification No. SO(C-IV)/HED/Hidayat Ullah//2020 dated 01-01-2021 (Annex-D), as such, the penalty has been already treated leniently by the Competent and Appellate authorities in both departmental appeals.
- 2- Incorrect. The charges were framed on the basis of complaint lodged against misbehaviour of the appellant and statement of the dealing Assistant to the effect that the appellant was holding his service book in personal custody since his transfer to Public Library, Lakki Marwat as explained under para-01.1 of the inquiry report (Annex-A, supra), as such, there were solid reasons for serving Charge Sheet No. 187/3/10/DA dated 03-02-2020 upon the appellant(Annex-E). The appellant in his



reply dated 17-02-2020 to the charge sheet (Annex-F), badly failed to put justification for personal possession of his Service Book leading to overwriting on page 17 of his service book and attempted concealment/silence over the grant of annual increment-2019 which was supposed to be withheld from him in wake of the penalty order dated 11-12-2018 (Annex-C, supra).

- 3- Incorrect. A regular inquiry was conducted against the appellant, wherein, statements of all relevant witnesses were recorded and the appellant was given full opportunity to defend himself as evident from his replies to the Charge Sheet and Show Cause Notice and opportunity of cross examination of witnesses, as such, all legal requirements were fulfilled before imposition of the penalty on the appellant.
- Incorrect. The appellant in his reply(Annex-G) furnished to the Show Cause Notice(Annex-H), badly failed to justify his position regarding the issues raised in para-02(b) of the Show Cause Notice, therefore, the appellant was responsible for involvement in the issues ibid since he was the potential beneficiary of the said acts relating to illegal possession of his Service Book, overwriting on the penalty order entered on page-17 of his Service Book (Annex-I) and attempted concealment of the annual increment, 2019.
- 5- Correct to the extent that the Service Appeal No. 15290/2020 was not received in Directorate of Archives & Libraries, Peshawar.
- 6- No comments.

### GROUNDS.

- A) Incorrect. The appellant has been fairly treated in the instant case concluded after due process of law. In fact the appellant has been leniently treated by the Competent and Appellate authorities in terms of selection of softer penalty, exoneration from charges and imposition of modified/reduced penalties as explained under para-01, supra.
- B)- Incorrect. The penalty has been imposed after thorough examination of the inquiry report and available record/evidences, whereby, the unproven allegation i.e. misbehaviour of the appellant reported on Pakistan Citizen Portal, was dropped from the Show Cause Notice and the appellant was directed to defend himself against the two proven allegation mentioned Para-02(b) of the notice ibid, however, in view of failure of the appellant to put satisfactory justification thereof and statements of witnesses mentioned under para-02(01.1,iii,iv,v) of the inquiry Report( Annex-A, supra), major penalty of reduction to lower post of Junior Clerk(BPS-11) for five years was imposed upon the appellant which was modified by the appellate authority to reduction to a lower post of Junior Clerk for one year as explained under Para-01, above, as such, the appellant has been penalized only for the proven charges mentioned under Para-02(b) of the Show Cause Notice, whereas, the other notification dated 14-12-2020 relating to his exoneration and setting aside of penalty, is not related to the instant case.



- C)- Incorrect. Mr. Anwar Jalal, Incharge Librarian in his statement does not absolved the appellant from the allegation regarding personal possession of service book as asserted by the appellant (Annex-J), whereas, statements of other staff and dealing Assistant clearly indicates involvement of the appellant in illegal possession of his service book in personal custody leading to overwriting on page-17 of Service Book. The appellant further failed to cross examine even single witness during cross examination opportunity afforded to him on 16-03-2020 which provide sufficient grounds for involvement of the appellant in the subject overwriting.
- D)- Incorrect. The inquiry has been conducted in fair and transparent manner in accordance with the prescribed procedure and rules, besides, the appellant was fully associated during inquiry and post inquiry proceedings. In fact the appellant has been favored in the departmental appeal of the instant case by reduction/modification of his major penalty as explained under para-01, above.
- E)- Incorrect. Explained in the preceding para.
- F)- Incorrect. Explained under para-C& D, above.
- G)- Incorrect. The appellant was afforded opportunity of personal hearing by appellate authority, whereby, the appellate authority reduced/modified the major penalty as explained under para-01, above.
- H)- Incorrect. The appellant has a bad record of habitual absence and misconduct as explained under para-01, above, whereas, the appellant has not been penalized for the unproven charges of misbehaviour.
- I)- No comments.

As the appellant has been already favoured by the appellate authority in terms of reduction/ modification in his penalty explained under para-D, therefore, the appellant does not deserve further relief and thereof his instant appeal may be dismissed please.

Secretary,

Higher Education, Archives & Libraries Department, Khyber Pakhtunkhwa.

(Respondent No. 01)

Director,

Directorate of Archives and Libraries, Khyber Pakhtunkhwa.

(Respondent No. 02)

Deputy Director,

Directorate of Archives and Libraries,

Khyber Pakhtunkhwa.

(Respondent No. 3)

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

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### Service Appeal No. 1619/2021

Mr. Hidayat Ullah Khan, Ex. Senior Clerk, Public Library, Lakki Marwar.

....(Appellant)

Versus

The Secretary,
Higher Education Archives & Libraries Department, Khyber Pakhtunkhwa & Others....
(Respondents)

### <u>AFFIDAVIT</u>

I, Atta Ur Rehman, Assistant, Higher Education Department, do hereby solemnly affirm and declare on oath that the contents of the para wise comments on behalf of Respondents are true & correct to the best of my knowledge & belief and nothing has been concealed from this Hon'able Tribunal.

Dated: 01-12-2021.

**Deponent.** CNIC:14202-0497102-1 Cell No. 0334-8273884



### INQUIRY REPORT IN LIGHT OF THE DIRECTOR, ARCHIVES & LIBRARIES, KHYBER PAKHTUNKHWA ORDER NO. 187/3/10/DA DATED 03-02-2020.

### 01. BACKGROUND

In pursuance of the recommendations contained under para-04.4 of the Inquiry 01.1-Report dated 10-01-2020, annunciating to the effect that "In future, entries regarding penalties in the service books and annual performance & evolution reports/confidential reports of the concerned officials may invariably be recorded", the Incharge Librarian, Public Library, Lakki Marwat was requested vide letter dated 09-01-2020 to provide service book and some payroll record in respect Mr. Hidayat Ullah, Senior Clerk(hereinafter as accused). On checking, Red Entries on account of minor penalty No. 3403/3/10/DA dated 11-12-2018 entered on page 17 of service book of the accused, were found overwritten with blue pen. Mr. Anwar Jalal, Incharge Librarian and Mr. Saleh Mahmood, dealing Assistant expressed their ignorance about the said tampering, the latter apprised that the accused is holding his service book in personal custody, whereof, an explanation was called from the accused vide letter dated 20-01-2020. The accused in his reply received on 28-01-2020 denied any involvement in the subject tampering. Moreover, a complaint regarding alleged misbehaviour of the accused with library staff and public, lodged on Pakistan Citizen Portal, was also received on 13-01-2020. Accordingly, a charge sheet bearing No. dated 03-02-2020 was served upon the accused with constitution of the following Inquiry Committee for probing into the matter:- (Annex-A, pages-01 to 20).

i)-	Mr. Naveed Ullah Jan, Librarian,		
ii)-		Directorate of Archives & Libraries, Peshawar.	
iii)-	Mr. Abdul Bari, Caretaker,	Trainting a designation.	

Note. On objection of the accused, Mr. Naveed Ullah Jan, Librarian was withdrawn (from representation in the committee vide No. 293/3/10/DA dated 26-02-2020. (Annex, A, page-19, supra)

### 01.2- Crux of the allegations mentioned in the charge sheet, is as under:

i)	That, the accused has an undesirable track record of habitual absence and misconduct since his appointment on 07-08-2008 which has resulted into imposition of minor penalties upon him from time to time. Inspite of the aforesaid, he has been again reported for misconduct as evident from the complaint No. KP090120-6258474 lodged on Pakistan Citizen Portal as well as manually received. Thus, he has badly failed to bring improvement in his overall misconduct during the course of time spanning over more than eleven years.
ii)-	That, the accused has tampered the record of penalty entered with Red Entries on page-17 of his service book by overwriting the same with blue pen, besides, failed to put satisfactory explanation thereof in his reply dated 20-01-2020.



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Moreover, Mr. Muhammad Rafiq, Junior Clerk, Public Library, Lakki Marwat submitted a complaint against misbehaviour of the accused (received on 10-03-2020). The complaint was also assigned to the committee for examination. It was alleged that in wake of the said complaint received on Pakistan Citizen Portal, the accused asked the complainant to write statement to the effect that "the accused is maintaining good working and friendly relations with his colleagues and library users". The complainant refused to do so for the reasons of being recently transferred to Public Library, Lakki Marwat and having no working experience with the accused. Infuriated by this response, the accused openly threatened & abused the complainant in presence of library staff namely Wahid Ullah, Computer Operator,

### 02- PROCEEDINGS

01.1- The committee discussed and recorded written statements regarding the matter from all concerned officials. Crux of their statements, are as under: -

Sadiq Khan, Jr. Clerk and Saleem Khan, Naib Qasid. (Annex-A, page-21-22).

- i)- The accused in his written statement dated 17-02-2020 denied the allegation of doing any tampering in his service book, the dealing Assistant is responsible for all issues relating to physical custody and maintenance of entries in service books, hence, he will be in better position to explain the same. The accused alleged that the subject tampering has been done with malafide intentions to damage his reputation and service career during any of his posting period at Peshawar, Bannu or Lakki Marwat. He denied the charges of misbehaving with any staff or library user as reported in the complaint lodged against him on Pakistan Citizen Portal. He made assurance to provide written reply to the charges of misbehaviour leveled against him by Mr. Muhammad Rafiq, Jr. Clerk in his complaint (Annex-B, page-23-24).
- ii)- Mr. Anwar Jalal, Incharge Librarian in his written statement bearing No. 23/3/10/ LPL dated 12-02-2020 explained that possession and maintenance of service books is not part of his job description and the accused will be in better position to explain the issue of tampering in his service book. He further explained that in compliance to the penalty imposed on the accused vide No. 3403/3/10/DA dated 11-12-2018, he stopped annual increment, 2019 granted to the accused with recovery of excess payment amounting to Rs. 1170. He is satisfied with overall conduct and efficiency of the accused and he has no knowledge about the alleged misbehaviour of the accused with Mr. Muhammad Rafiq, Junior Clerk as he was not present during the incident. (Annex-B, page-25-26)
- iii)- Mr. Salih Malimood, Assistant in his verbal & written statement dated 26-02-2020 clarified that at the time of his assumption of charge as Assistant at Lakki Marwat, some staff members including the accused, were keeping their service books in personal custody, however, with exception of the accused, all staff members returned their services books to him for official custody. The accused produced his service book for the





first time on 10-04-2020 for the release of his pay and arrears from District Accounts Officer, Lakki Marwat. After serving of the purpose, the accused again collected his service book from Office of the DAO, Lakki Marwat in May, 2020 and did not return it despite his repeated verbal reminders confirmable from the staff. The accused produced his service book for the second time on 13-01-2020, for the deduction of his annual increment, 2019 with recovery of excess payment as per instructions received from the Head Office. Thereafter, Mr. Muhammad Farooq, Naib Qasid collected service book of the accused from Office of the DAO, Lakki Marwat which has been now forwarded to the Head Office. He has no knowledge about any tampering in service book of the accused. (Annex-B, page-28)

- iv)- Mr. Wahid Ullah, Computer Operator stated that Mr. Salih Mahmood, Assistant telephonically informed him to approach the accused to handing over his service book. However, the Assistant again informed on 13-02-2020 that the accused has handed over his service book to him. Mr. Muhammad Farooq, Naib Qasid in his statement explained that he is witness to the fact that Mr. Salih Muhammad, Assistant repeatedly asked the accused to hand over his service book but he did not comply with. (Annex-B, page-29-30)
- v)- Mr. Shaukat Nawaz, Assistant Director, Directorate of Archives & Libraries, Peshawar and Mr. Naheed Ullah Khan, Assistant, Public Library, Bannu stated that they handed over service book and LPC to the accused under proper receipt signed by the accused at the time of his transfers from Peshawar to Bannu and onward Lakki Marwat. (Annex-B, page-32-35)
- vi)- In order to provide opportunity of cross examination of the deponents in the issue relating to tampering in service book of the accused, the Inquiry Committee arranged joint sitting of Mr. Salih Mahmood, Assistant, Mr. Wahid Ullah, Computer Operator and Mr. Muhammad Farooq, Naib Qasid, Incharge Librarian and the accused in Public Library, Lakki Marwat on 16-03-2020. The committee readout statements before the accused for cross examination, however, the accused did not raise any objection thereof and apprised the committee that he will submit written statement thereof. Moreover, Mr. Iqbal Hussain, Chowkidar, Mr. Hizb Ullah, Naib Qasid, Mr. Hammad Bari, Naib Qasid and Mr. Imran Ullah, Mali also recorded their statement to the effect that Mr. Salih Mahmood, Assistant repeatedly requested the accused to hand over service book to him. Statements of the latter were also got countersigned from the Incharge Librarian. (Annex-B, page-36-37)
- v)- Regarding complaint of Mr. Muhammad Rafiq, Jr. Clerk containing allegation of misbehaviour against the accused (Annex-A, page-21-22, supra), the committee arranged joint sitting of Mr. Wahid Ullah, Computer Operator, Mr. Muhammad Sadiq, Jr. Clerk and Mr. Muhammad Salim Khan, Naib Qasid, the complainant and the accused in Public Library, Lakki Marwat on 16-03-2020 for recording their statement and providing opportunity to the accused for cross examination. The aforesaid officials in their joint statement dated



16-03-2020 explained that the complainant and the accused had exchanged hot words over some issue on 05-03-2020, however, they have no knowledge regarding exact nature of their dispute or any subsequent scuffling between them. The complainant Mr. Muhammad Rafiq, Jr. Clerk reiterated his allegation in front of the accused, however, the accused kept silence and apprised the committee that he will submit written statement thereof. The aforesaid joint statement was got countersigned from the Incharge Librarian. (Annex-B, page-38)

### 03- FINDINGS.

- 03.1- Findings based on the available record, verbal and written statements of the accused and other concerned officials, are as under:-
- i)- Regarding allegation No. 01, Record reflects that the accused belonging to district Lakki Marwat was appointed from Zone-IV and posted at Mufti Mahmood Public Library, D.I.Khan on 07-08-2008. After rendering satisfactory service during initial period, he started availing excessive leaves and indulgence in habitual absence. In this regard, his 06,49&08-days absence on different occasions were converted into Leave Without Pay vide orders issued on 02-02-2011, 03-04-2012 and 30-12-2014 respectively. (Annex-C, page-39-40).
- ii)- The record further reveals that as a result of previous inquiries conducted againt the accused on account of habitual absence & misconduct, three minor penalties i.e. two of Censure and one of withholding two annual increments, were imposed upon the accused in 2011, 2013 and 2018 respectively. Brief description of the said inquiries, is as under:
- a)- First inquiry was conducted against the accused vide No. 1101/3/10/DA dated 15-07-2011 for the charges of, i)- absence & leaving library at the mercy of Class-IV staff during leave of the Incharge Librarian on 08-07-2011, ii)- absence during visit of the Chief Planning Officer, Higher Education Department to the library on 08-07-2011 and iii)- failure of the accused to bring improvement in habitual absence(Annex-C, page-41-43). During inquiry proceedings, the accused failed to defend himself against the charges, whereof, on recommendations contained in the inquiry report, minor penalty of Censure was imposed upon him vide No. 1259/3/10/DA dated 12-09-2011 (Annex-C, page-44-47). The accused did not submit departmental appeal against the penalty.
- b)- Second inquiry was initiated against the accused vide No. 27/3/10/DA dated 10-01-2013 on the charges of, i)- failure of the accused in mending habitual absence & indiscipline, ii)- failure of the accused in improving attendance inspite imposition of first minor penalty of Censure, iii)- continued absence of the accused for the months of October & November, 2012 despite stoppage of his pay from 01-10-2012, iv)- absence from duty during visit of the Chief Librarian and Deputy Director to Musti Mahmood Public Library, D.I.Khan from 1st to 3rd January, 2013(Annex-C page-48-51). During inquiry proceedings,

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MM alotloso the accused submitted twenty seven(27) dubious medical certificates written under one hand on 04-12-2012 to justify his absence from 18-01-2012 to 25-06-2012(Annex-C, pages-52-60). On the basis of available record, the inquiry committee recommended imposition of major penalty of Removal From Service upon him, however, the competent authority afforded him another chance to improve his conduct and imposed second minor penalty of Censure with conversion of his 168 & 248-days absence into Earned Leave and Leave Without Pay respectively vide order No. 1253/3/10/DA dated 13-06-2013(Annex-C, page-61-65). The accused did not submit departmental appeal against the penalty.

Third inquiry was initiated against the accused vide No. 2302/3/10/DA dated c)-13-07-2018 on the charges of, i)- absence from duty w.e.f. 15-06-2018 without any information and ii)- Failure in improving habitual absence inspite imposition of two minor penalties in 2011 & 2013(Annex-C page-66-67). During inquiry proceedings, the accused submitted two medical certificates each for five & two weeks respectively to justify his forty nine(49) days absence from 15-06-2018 to 02-08-2018(Annex-C, page-68-69). In this regard, Medical Superintendent, Govt. City Hospital, Lakki Marwat and Director, General, Health Services, Khyber Pakhtunkhwa were requested vide letters dated 31-07-2018 & 09-08-2018 for provision of relevant rules reflecting competency of the Senior Medical Officer for advising 05-weeks medical leave and investigation of the matter but to no avail. Consequently, Standing Medical Board, Police Services Hospital, Peshawar justified the above referred medical leave on basis of the single test conduct by the accused in a private laboratory vide letter dated 05-09-2018(Annex-C, page-70-80). However, irrespective of justification of the said medial leave, the inquiry committee, found the accused guilty under Rule-03(d) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the reasons of habitually absenting himself from duties without prior approval of leave while the second allegation, stood proved against him on the basis of previous penalties imposed upon him on account of habitual absence and misconduct. Therefore, as per recommendations of the committee, minor penalty of withholding increments for two years with conversion of his 49-days absence into medical leave w.e.f 15-06-2018 to 02-08-2018 & notification of his 04-days absence during inquiry proceedings on 03<sup>rd</sup>, 13<sup>th</sup>, 20<sup>th</sup> and 24<sup>th</sup> August, 2018, was imposed upon him vide No. 3403/3/10/DA dated 11-12-2018 (Annex-C, page-81-86). In view of the aforesaid, the issues referred in allegation No. 1 of the instant charge sheet, to the extent of imposition of three minor penalties for habitual absence & misconduct upon the accused and his subsequent failure in bringing any improvement in his overall conduct, stand proved against him.

Regarding anonymous complaint of misbehaviour lodged on Pakistan Citizen Portal, the Incharge Librarian and other staff of the library confirmed that the accused has not misbehaved with any staff member or library user since his transfer to the Lakki Marwat on 13-02-2019, therefore, in absence of any supporting proof, the allegation pertaining to misbehaviour of the accused with library staff and users, could not be proved. However, in

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view of the complaint of Mr. Muhammad Rafiq, Junior Clerk dated 05-03-2020 against the accused and failure of the accursed to submit written reply thereof, the allegation stand proved against him to that extent. (Annex-C, page-87).

Regarding second allegation of tampering in service book of the accused, statements of the concerned staff of Directorate of Archives & Libraries, Peshawar and Public Library, Bannu transpires that they had handed over service book and LPC to the accused under proper receipts signed by him at the time of his transfers from Peshawar to Bannu and onward to Lakki Marwat. Statements of staff of the Public library, Lakki Marwat also reflect that the accused was holding his service book in personal custody and did not return the same inspite repeated requests of the dealing Assistant. Statement of Mr. Salih Mahmood, dealing Assistant transpires that accused was holding his service book in personal custody since his transfer to Public Library, Lakki Marwat on 13-02-2019(Annex-D) and the accused produced his service book for the first time on 10-04-2019 for the release of his pay and arrears on account of the said transfer, where after, he again collected his service book from Office of DAO, Lakki Marwat in May, 2019. The accused again produced his service book to the dealing Assistant on 13-01-2020 for stoppage of annual increment, 2019 with recovery of excess payment as per penalty imposed upon him vide No. 3403/10/DA dated 11-12-2018 and instruction received from the Head Office, where after, Mr. Muhammad Farooq, Naib Qasid collected service book of the accused from Office of the DAO, Lakki Marwat which has been now forwarded to the Head Office. It is pertinent to mention that the accused in his statement held the dealing Assistant responsible for the said tampering while on the contrary he did not cross examine the dealing Assistant or other staff of the library on 16-03-2020 rather apprised the committee that he will submit written statement thereof, which was not received till finalization of the instant report. The committee observed that under these circumstances, it is possible that the accused might have done the subject tampering) with intentions of diverting first attention from the "Red Entries" highlighting record of the penalty on page 17 of his service book and concealing entries pertaining to imposition of withholding two annual increments for the year, 2019 & 2020 as evident from his silence over annual increment, 2019 which was later on recovered from him with arrears. The committee further noticed that both dealing Assistant and Incharge Librarian played irresponsible role in the matter by not brining the issue on record and not initiating proper action against the accused in time. Under the circumstances, the committee is of the view that the accused is responsible for the subject tampering.

v- Regarding complaint of misbehaviour submitted by Mr. Muhammad Rafiq, Jr. Clerk(the complainant) against the accused, joint statement of the staff namely Mr. Wahid Ullah, Computer Operator, Sadiq Khan, Junior Clerk and Mr. Muhammad Salim, Naib Qasid. (shown as witnesses to the incident by the complainant) transpire that the complainant and the accused had exchanged hot words over some issue on 05-03-2020 which confirms occurring of the incident. In this regard, the complainant reiterated his allegation in front of

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the accused during cross examination of the complainant while the accused did not respond in his defense and apprised that he will submit written statement thereof which has not been received till finalization of the instant report. In wake of the evasive joint statement of witnesses and failure of the accused to cross examine the complainant or to forward any written explanation thereof, the committee is of the view that the complainant is justified in his complaint which warrants proper action against the accused.

### 04- CONCLUSION

On the basis of, three minor penalties imposed upon the accused on account of his habitual absence & misconduct in 2011, 2013 & 2018, non-submission of any appeal by the accused against any of the penalty reflecting justification of the penalties ibid, leniency shown to the accused by repeated conversion of his prolonged absence periods into Leave without Pay and Earned Leave, misconduct on part of the accused in terms of tactfully producing dubious medical certificates to cover up/justify his habitual absence at different times & illegally holding his service book in personal custody with malafide intentions and his failure to adopt conduct compatible to a responsible civil servant or a gentleman, the committee is of the view that the accused has been already given sufficient time and chances to improve his overall conduct, however, he has badly failed in doing so, consequently, his further retention in service will be of no use in the the public interest, therefore, the committee recommends that:

- i)- Under Rule-04(b,iii) of the Khyber Pakhtunkhwa Government Servant(Efficiency & Discipline) Rules, 2011, major penalty of removal from service may be imposed upon Mr. Hidayat Ullah Khan, Senior Clerk, Public Library, Lakki Marwat.
- ii)- A certificate to the effect that "Service Books of all staff are available updated and have been kept under official custody" may be obtained from all branch offices working under the Directorate of Archives & Libraries, Khyber Pakhtunkhwa.

Warnings may be issued to the Incharge Librarian and dealing Assistant on account of their failure in timely reporting or initiating proper action against the accused for holding his service book in personal custody.

(Nadeem Jehan)

Network Administrator,
Directorate of Archives & Libraries,
Khyber Pakhtunkhwa, Peshawar.

(Abdul Bari) Caretaker.

Directorate of Archives & Libraries, Khyber Pakhtunkhwa, Peshawar.

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### GOVERNMENT OF KHYBER PAKHTUNKHWA HIGHER EDUCATION, ARCHIVES AND LIBRARIES DEPARTMENT

Dated Peshawar the, December 14, 2020.

NOTIFICATION.

12626-29.

No. SO (C-1V)/HED/1-6/Hidayat Ullah/2020: WHEREAS, Mr. Hidayat Ullah, Senior

Clerk, Directorate of Archives & Libraries, was proceeded against and a minor penalty of stoppage of 02 increments was imposed upon him on 11.12.2018. The accused upon imposition of the penalty preferred an appeal to the worthy Secretary, Higher Education Department.

AND WHEREAS, he was adjusted at the Directorate of Archives & Libraries upon his promotion to the post of Senior Clerk on 22.07.2017. Due to shortage of staff, he was temporarily adjusted at Lakki Marwat Library. However he did not resume his duties at the Directorate of Archives & Libraries after expiry of the temporary period whereof an explanation was sought from him leading to an enquiry in which a penalty of stoppage of 02 increments was imposed upon him.

AND WHEREAS, the departmental appeal preferred by the accused was examined and processed in this department after following the due procedure in light of the relevant rules/laws of provincial government.

NOW THEREOF, the competent authority examined the appeal of the accused under Rule-13 of Civil Servants Revised Leave Rules, 1981 and under Rule-17 (2) (b) of Khyber Pakhtunkhwa Govt. Servants (Efficiency and Deficiency) Rules, 2011, is pleased to exonerate the accused and set aside the penalty of stoppage of two increments imposed upon him by the Director, Archives & Libraries, Khyber Pakhtunkhwa.

HIGHER EDUCATION DEPARTMENT Lie WAI Small Small Sup

Endst; No. & Date as above

Copy forwarded to the:

1. Director, Archives Education Khyber Pakhtunkhwa.

2. Incharge Public Library, Lakki Marwat.

3. Deputy Director (HEMIS CELL) Higher Education Department.

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4. PS to Secretary Higher Education Department.

5. Mr. Hidayat Ullah, Junior Clerk, Public Library Lakki Marwat.

6. Master file

SECTION OFFICER (C-IV)



### DIRECTORATE OF ARCHIVES & LIBRARIES, KHYBER PAKHTUNKHWA, PESHAWAR.

Phone: - 091-9210100 Website: - www.kpdal.gov.pk, www.facebook.com/KParchivesandlibraries.

No. 968 /3/10/DA Dated 30 / 2 /2020.

#### ORDER

No	-	/3/10/DA	. WHEREAS	Mr.	Hidayat	Ullah,	Senior	Clerk(BP	S-14),	Public
Library,	Lakki	Marwat v	vas proceeded	again	st under	Section	5 of th	e Khyber	Pakhtu	nkhwa
Governm	ient Se	rvants(Eff	iciency & Disc	ipline	)Rules, 2	2011.		• -	-	

- WHEREAS, a Show Cause Notice bearing No. 227/3/10/DA dated 07-07-2020 was sent to the official to defend his position regarding allegations of failing to improve overall conduct in wake of the previous three minor penalties imposed upon him for habitual absence & misconduct in 2011, 2013 & 2018 and keeping his service book in personal custody with malafide intentions of tampering record of the penalty entered on page-17 of his service book.
- 03- WHEREAS, the official in his reply dated 22-07-2020(received in this Office on 27-07-2020) furnished in response to the show cause notice, failed to substantiate justification or produce any evidence or witness to his defense, whereby, his reply was found irrelevant and dissatisfactory.
- 04- AND WHEREAS, the competent authority after considering the findings & recommendations of the inquiry report and dissatisfactory & irrelevant reply of the official to the show cause notice, is satisfied that the allegations mentioned in the said show cause notice, stand proved against Mr. Hidayat Ullah, Senior Clerk.
- NOW THEREFORE, in exercise of powers conferred under rule-04(01,b,i) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the competent authority is pleased to impose major penalty of reduction to lower post of Junior Clerk(BPS-11) for five years upon Mr. Hidayat Ullah, Senior Clerk(BPS14) with posting against the existing vacancy in Public Library, Lakki Marwat, Directorate of Archives & Libraries, Khyber Pakhtunkhwa with immediate effect.

(Zahir Ullah Khan)
Director of Archives & Libraries,
Khyber Pakhtunkhwa, Peshawar.

#### Endst: No. & date even.

Copy forwarded to: -

- 01- District Accounts Officer, Lakki Marwat.
- O2- Incharge Librarian, Public Library, Lakki Marwat with directions to handover copy of this order to Mr. Hidayat Ullah under proper receipt and furnish the same to this office.
- Mr. Hidayat Ullah S/O Haji Abdul Jalil, resident of Village, Dallo Khel, Lakki Marwat.
- 04- Office Orders File

Director of Archives & Libraries, Khyber Pakhtunkhwa, Peshawar

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# GOVERNMENT OF KHYBER PAKHTUNKHWA HIGHER EDUCATION, ARCHIVES AND LIBRARIES DEPARTMENT

Dated Peshawar the, 01 January, 2021.

### NOTIFICATION.

No. SO (C-1V)/HED/1-6/Hidayat Ullah/2020:- WHEREAS, Mr. Hidayat Ullah, Senior Clerk, Directorate of Archives & Libraries, was proceeded against and a major penalty of reduction to a lower post of junior clerk for 5 years, was imposed upon him on 30.07.2020, by the Director, Archives & Libraries, Khyber Pakhtunkhwa. The accused upon imposition of the penalty preferred an appeal to the worthy Secretary, Higher Education Department.

AND WHEREAS, he was transferred from Directorate of Archives & Libraries to Bannu Public Library and later on to Lakki Marwat Public Library on 13.02.2019. Since his transfer from Directorate of Archives till 13.01.2020, he failed to hand over his service book to the concerned authorities. Upon which an inquiry was conducted against him and in light of the inquiry report, the penalty was imposed upon him.

AND WHEREAS, the departmental appeal preferred by the accused was examined and processed in this department after following the due procedure in light of the relevant rules/laws of provincial government.

NOW THEREOF, the competent authority examined the appeal of the accused under Khyber Pakhtunkhwa Govt. Servants (Efficiency and Deficiency) Rules, 2011 and under Rule-17 (2) (c) of the rules ibid., is pleased to modify the penalty from reduction to a lower post of junior clerk for five (05) years to reduction to a lower post of junior clerk for one (01) year.

### SECRETARY HIGHER EDUCATION DEPARTMENT

#### Endst; No. & Date as above.

Copy forwarded to the:

- 1. Director, Archives Education Khyber Pakhtunkhwa.
- 2. Incharge Public Library, Lakki Marwat.
- 3. Deputy Director (HEMIS CELL) Higher Education Department.
- 4. PS to Secretary Higher Education Department.
- Mr. Hidayat Ullah, Junior Clerk, Public Library Lakki Marwat.
- 6. Master file

For all



DIRECTORATE OF ARCHIVES & LIBRARIES, KHYBER PAKHTUNKHWA, PESHAWAR.

Phone: - 091-9210100 Website: - www.kpdal.gov.pk, www.facebook.com/KParchivesandlibraries

No. 187/3/10/DA Dated 03/02/2020.

### CHARGE SHEET

I, Zahir Ullah Khan, Director of Archives and Libraries, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Mr. Hidayat Ullah, Senior Clerk(BPS-14), Public Library, Lakki Marwat, Directorate of Archives & Libraries, Khyber Pakhtunkhwa, as follows: -

- 02- That you, while posted as Senior Clerk at Public Library, Lakki Marwat, have committed the following irregularities: -
- i)- That, you have an undesirable track record of habitual absence and misconduct since your appointment on 07-08-2008 which has resulted into imposition of minor penalties upon you from time to time. Inspite of the aforesaid, you have been again reported for misconduct as evident from the complaint No. KP090120-625847 lodged on Pakistan Citizen Portal as well as manually received. Thus, you have badly failed to bring improvement in your overall misconduct during the course of time spanning over more than eleven years.
- ii)- That, you have tampered the record of penalty entered with Red Entries on page-17 of your service book by overwriting the same with blue pen, besides, failed to put satisfactory explanation thereof in your reply dated 20-01-2020.
- By reasons of the above, you appear to be guilty of misconduct under rule 03 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties as specified in the Section 04 of the aforementioned rules.
- Your written defense, if any, should reach the Inquiry Committee within 15-days of the receipt of this Charge Sheet, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you
- 05- Intimate whether you desire to be heard in person.
- 06- A statement of allegations is enclosed.

(Zahir Ullah Khan) Director of Archives & Libraries, Khyber Pakhtunkhwa, Peshawar.



I, Zahir Ullah Khan, Director of Archives & Libraries, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Mr. Hidayat Ullah, Senior Clerk, Public Library, Lakki Marwat, Directorate of Archives & Libraries, Khyber Pakhtunkhwa, has rendered himself liable to be proceeded against as he has committed the following acts/omissions, within the meaning of Section-03 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011:-

### STATEMENT OF ALLEGATIONS

- That, he has an undesirable track record of habitual absence and misconduct since his appointment on 07-08-2008 which has resulted into imposition of minor penalties upon him from time to time. Inspite of the aforesaid, he has been again reported for misconduct as evident from the complaint No. KP090120-625847 lodged on Pakistan Citizen Portal as well as manually received. Thus, he has badly failed to bring improvement in his overall misconduct during the course of time spanning over more than eleven years.
- ii)- That, he tampered the record of penalty entered with Red Entries on page-17 of his service book by overwriting the same with blue pen, besides, failed to put satisfactory explanation thereof in his reply dated 20-01-2020.
- 02- For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Inquiry Committee, consisting of the following members is constituted under Rule10(1)(a) of the rules ibid: -
- i)- Mr. Naveed Ullah Jan, Librarian, Directorate of Archives & Libraries, Peshawar.
- ii)- Mr. Nadeem Jehan, Database Administrator, Directorate of Archives & Libraries, Peshawar.
- iii)- Mr. Abdul Bari, Caretaker, Directorate of Archives & Libraries, Peshawar.
- 03- The Inquiry Committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within 15(fifteen) days of the receipt of this order, recommendations as to punish or to take other appropriate action against the accused.

(Zahir Ullah Khan) Director of Archives & Libraries, Khyber Pakhtunkhwa, Peshawar.

### Endst: No. & Date Even.

A copy of the above is forwarded to:

- M. Naveed Ullah Jan, Librarian, Mr. Nadeem Jehan, Database Administrator and Mr. Abdul Bari, Caretaker, Directorate of Archives & Libraries, Peshawar for initiating proceedings against the accused under relevant provisions of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules. 2011.
- 2. Mr. Anwar Jalal, Librarian, Public Library, Lakki Marwat.
- 3. Mr. Hidayat Ullah, Senior Clerk, Public Library, Lakki Marwat.

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Director of Archives & Libraries. Khyber Pakhtunkhwa, Peshawar.



### DIRECTORATE OF ARCHIVES & LIBRARIES KHYBER PAKHTUNKHWA, PESHAWAR.

Phone: - 091- 9210100 Website: - www.kpdal.gov.pk. www.facebook.com/KParchivesandlibraries

### STATEMENT OF ALLEGATIONS.

That, you, Mr. Hidayat Ullah while posted as Senior Clerk(BPS-14) at Public Library, Lakki Marwat, Directorate of Archives & Libraries, Khyber Pakhtunkhwa, has committed the following irregularities and thus rendered yourself liable for disciplinary action.

- i)- That, you have an undesirable track record of habitual absence and misconduct since your appointment on 07-08-2008 which has resulted into imposition of minor penalties upon you from time to time. Inspite of the aforesaid, you have been again reported for misconduct as evident from the complaint No. KP090120-625847 lodged on Pakistan Citizen Portal as well as manually received. Thus, you have badly failed to bring improvement in your overall misconduct during the course of time spanning over more than eleven years.
- ii)- That, you have tampered the record of penalty entered with Red Entries on page-17 of your service book by overwriting the same with blue pen, besides, failed to put satisfactory explanation thereof in your reply dated 20-01-2020.

Director of Archives & Libraries. Khyber Pakhturkhwa, Peshawar.



### بخدمت جناب انکوائری مینی صاحبان دائر یکٹوریٹ آف آر کائیوز اینڈ لائمبر ریز دیپار ٹمنٹ خیبر پختونخواپٹاور عنوان:۔ جواب برائے چارج شیٹ

### جناب عالى!

سے بین جاری شدہ اللہ میں کا نمبر کارک پیلک الائیم ری کئی مروت میں اپی ڈیوٹی کے فرائش مرانجام دے رہا ہوں۔ مورد 2020-00-00-187/3/10/DA پوسٹ مین جاری شدہ اللہ میں کا نمبر کا نمبر کا نمبر کا مجاب الائیم ری کا نمبر کا نمبر کا مجاب کا نمبر کا

جناب عالى!

ڈائر یکٹرصاحب نے بذر بعد آرڈ رئبر 3383/3/1/DA مردیہ 2018-12-06 میرے ٹرانسفر کے آرڈر پبک الامیریری کی مردت کے بجائے ہوں پبک لائیریری جاری کردی ہے۔ پھر میں نے اپنی ارائیول رپورٹ بنوں پبک لائیریری کے آفس اسٹنٹ کے آفس میں جم کرادی ۔ قانون نے ہر ملازم کیلئے اُن کے ڈیوٹی کا طریقتہ کا رواضح کیا گیا ہے۔ آفس اسٹنٹ کی بنیادی ڈمداری بیہ ہوتی ہے کہ ہر نے بحر تی ہوتی ہونے والے ملازم یا ٹرانسفری صورت میں آنے والے ملازم کا تمام مرکاری ریکارڈ اپنے تحویل میں کیکر جا ہوتا ہے۔ پھر اُن کی سروس بک میں گی ایل پی سی (LPC) کی ڈریعے ان ملازم کی تخواہ بنا قاور پھر چا لوکر نے کیلئے اکا وُنٹ آفس اسٹنٹ کی ڈیوٹی کی ڈمدواری میں آتا ہے۔ خدانا خواستہ اگر کسی بھی ملازم کی سروس بک میں کوئی بھی تھی ہوتے ہوئی دوروں میں آتا ہے۔ خدانا خواستہ اگر کسی بھی میں کہ اوروں میں اُن اُن کی سروس بک میں کوئی بھی تھی تھی ہوئی ہے۔ کہ قانوں میں وہ جواب دے ہوگا۔ کیونکہ قانوں میں اسٹنٹ پھر سے بی کوئٹ کی کوئٹش کر سے کا اوران کا خیال کرنے کا ذمدوارا ور پابند ہوگا اور کسی بھی تھر سے برا ہے تا کوئٹ کے کہ میں صاف کھا اگر ہوا۔ دے بوگا۔

جناب عالى!

جب ہیڈ آئس پٹاور سے مجھے ہوں پلک لائیر مری تبدیل کیا گیا۔ توہوں پلک لائیر مری میں دوماہ ڈیوٹی ادا کرنے کے بعد کلی مروت پلک لائیر مری کوئیرا تبادلہ کردیا گیا۔ ان تیزں شیشن پردیکا رڈیم کر کرانے کی کوشش کی ہادر میں ادر کی کوشش کی نے ادر میری مروس اور شخصیت کوٹراب کرنے کیلئے کی نے تصدا میرے مروس بک میں دیکارڈیم کر کرانے کی کوشش کی ہے۔ کیونکہ بجھے نہیں پتہ کہ کو نے شیشن پر میرے مروس بک میں دیکارڈیم پر کرانے کی کوشش کی ہے۔ کیونکہ ان تینوں بھی وں پرمرکاری ڈیوٹی ادا کرنے کے بعدمروس بک کوئیٹین رکھنا اور اُن کا خیال رکھنا آفس میں دیکارڈیم پر یابیوپین سے مٹانے کی کوشش کی تا ہے۔
اسٹنٹ کے ذمہ داری کے ذمرے میں آتا ہے۔

آپ صاحبان سے گذارش ہے کہ جارج شیٹ کا جواب شبت پہلو میں تسلیم کیا جائے اوّر چارج شیٹ میں لگائے الزامات کوانسانی ہدردی کی بناء پرمستر دکیا جائے۔ اس سلسلے میں سائل آپ صاحبان کو ہرتم کی صفائی اسلی کرنے کیلئے تیار ہے۔ آپ صاحبان کی مہر بانی ہوگ ۔

نون: ساف اورلامیر ریز مبر کے میرے تس سفائی کا ورخواست ہمراہ لف ہے۔

عین نوازش ہوگا۔ 17-02-2020: مورید .AT(TES) ED

**ED**\* بدایت الله خان مینئرکلرک بیلک لائیبر مری کلی مروت \_

العارش

مناب عالي ا

شل ہدایت خان بطور مینٹر کارک پبلک لائبریری کی مروت میں اپن ڈیوٹی کے قرائف سرانجام دے رہا ہوں۔ آج بمور ند 14-07-2020 شوکا زنوٹس ملاجئ کا نمبر 227/3/10/DA ہے، تاری 2020-07-07 ہے۔

جناب عالى! اب آپ صاحبان كوش ميل بهت بى انمپارشت با تول كاذكركرنا چا بتا مول -جوكرتا نونى نقط زگاه سے بهت بى امميت كے مالل

سب سے پہلے افس سسنٹ کی بنیادی ڈ مدداری میں بیٹا اس ہے۔ کدہ ہر مرکاری طازم کی سروس بک پرسل فائل اورا کا دُنٹ کے کاموں کو میٹین رکھنا اُن کی بنیادی ڈ مداری میں بیٹا ال ہے۔ کدہ ہر مرکاری طازم کی سروس بک پرسل فائل اورا کا دُنٹ کے کاموں کو میٹین رکھنا اُن کی بنیادی ڈ مداری کے فرائن میں شامل ہے۔ ہرطازم کی سروس بک میں گا اور کے درائن میں شامل ہے۔ ہرطازم کی سروس بک میں گا کہ درائے کے الماد اُن کا خواہ جا اور پر سروس بک میں گا کہ درائے کے اور اُن کا خواہ جا اور پر سروس بک میں کوئی بھی خص میر یاریکارڈ میں جج کر نااور اُن کا تو اُن کی تمام تر ذمہ بنیادی ڈ بول کر ذمہ داری میں شامل ہے۔ اگر کی جی طازم کی سروس بک میں کوئی بھی خص میر یاریکارڈ منانے کی کوشش کرے گا تو اُن کی تمام تر ذمہ واری آفس اسٹنٹ پرعائدہ وق ہے۔ کیونکہ قانون میں صاف اور واضح طور پر لکھا گیا ہے۔ کہ آفس اسٹنٹ بی اُن تمام امورکوم انجام دینے کا ور اُن کا خیال کرنے کا بابند ہوگا۔ کی جی جی می طاف اور واضح طور پر لکھا گیا ہے۔ کہ آفس اسٹنٹ بی اُن تمام امورکوم انجام دینے کا ور اُن کا خیال کرنے کا پابند ہوگا۔ کی جی جی می طاف اور واضح طور پر لکھا گیا ہے۔ کہ آفس اسٹنٹ بی اُن تمام امورکوم انجام دینے کا ور اُن کا خیال کرنے کا پابند ہوگا۔ دی جی جی می طاف اور بی بی جی ہی کے کا فران بالا کو جواب دے ہوگا۔

اب آب صاحبان کوش میں قانونی نظر نظر سے انہا رہنٹ باتوں ذکر کرنا جا ہتا ہوں۔ جو کہ قانونی Point of Viewe کی بہت انک اہمیت کے حال ہے۔ مورخہ 2020-14-01 کوآفس اسٹنٹ صالح محودصاحب چھٹی پرتھا۔ جن کی وجہ سے حاظر کار جڑ میں اُن کے پیچھے مورخہ 2020-14-01 کوان کے پیچھے Casual Leav گاری گئی۔ پھڑاس کے بعد ڈائری رجڑ میں مورخہ 2020-14-11 بتاری اور سریل نمبر 17 پردن ڈے one day Casual Leave درن کی گئی۔ پھڑاس کے بعد Casual/Short Leave aplication ورن کی گئی۔ پھڑاس کے بعد اور اور اور اور کار بیار ڈوائروں کو اور اسٹنٹ کے اور اور کار بیار ڈورن کردیا گیا۔ جوکہ درخواست کے ساتھ تمام پروفارموں کار بیار ڈوائروں جھڑ میں ریکار ڈھٹر کی اور اسٹنٹ صالح محودصاحب نے ڈائری رجٹر میں ریکار ڈھٹر کی اور اسپنے ہی نام کومٹا کراس کی جگہ معادت اللہ بیت قاصد کانام کھوریا گیا اور 7/1، Application for convances charges بردیا گیا۔

آپ صاحبان کے نوش میں اُپرا تا تفصیل سے لکھنے کا مقعد ہے۔ کہ جب استے بڑے پیانے پرسرکاری ریکارڈ میں عیرا پھیری اور ٹمپرنگ کی جار ہی ہو۔ تو دہاں پر دوسر ہے ملاز مین کے سروس بک کیسے محفوظ رہیں گے۔ جناب عالی!

آفس اسشنٹ کے حوالے ہے اتنا کہونگا کدہ ہ خود غیر سنجیدہ اور غیر ز مددارا فیسر ہے۔ کیونکہ کتا نون میں صاف اور واضح طور پر ہدایات،

ورج ہے۔ کہ جب بھی آفس سے کوئی بھی چیز خواہ وہ سروس بک بویا کوئی اور دفتر کی چیز میں بلیس (Miss Place) ہوجا کیس توسیس سے پہلے
انچار ج صاحب کے دوش میں ہونی چاہیے اور پھرائی کے بعد جو جو قدمہ دران ہوئے ہیں۔ اُن سے اُسی وقت الگ الگ Explaination کال ک
جائے۔ اس بناء پر ایک تو تا نونی تقاضے پورے ہوجا کینگے اور دوسری بات یہ ہے کہ میں نے فلا س مختص کو یہ کہان اُس نے جمعے سے کھا در کہاں۔ یہ ساری

ATTESTED

با تس Just کپشپ کے در اہ کار میں آتی ہے اور زبانی خرج کے موا پھٹیں ہے اور اُن کی ڈانونی حیثیت نہیں ہوتی ہے۔ جس طرح آف اسٹنٹ صاحب اپنی ڈیوٹی میں کوتا ہی بھر سے نے بعدادھراُ دھر کی نفنول باتیں کہدر ہاہے۔ کہ میں نے فلاح ملازم کو سیکہاں اور دوسرے ملازم کو پچھاور کہا۔

جناب عالى!

تا نون میں صرف اور صرف رین ورک (Written Work) جولیزی صورت میں کی بھی ملازم کے پیچے جاری کی جاتی ہے۔ وہ تا نونی نقط شکل اضتار کرلیتی ہے۔ وہ تا نونی نقط شکل اضتار کرلیتی ہے۔ وہ تا نونی نقط شکل میں میں امپارٹنٹ اہمیت کے حالی ہوتی ہے اور باتی نضول سم کی با تیں اور زبانی محم خرج کی تا نونی نقط تکاہ میں کو کی اہمیت نہیں ہے۔ جس طرح آفس اسٹنٹ صاحب ہے ڈیوٹی میں کو تا ہی بھر سے اور غیر سنچیدگی کامظام کرنے کے بعد وسرے ملاز میں پر ملبہ ڈالنا چا ہتا ہے۔ جن کا مجر ملا ذکر انجی اور غیر سنچیدگی کامظام کرنے کے بعد وسرے ملاز میں پر ملبہ ڈالنا چا ہتا ہے۔ جن کا مجر ملا ذکر انجی اور خوالی مروت اور انکوائری کمیٹی صاحبان نے ایپ لیٹر میں کیا ہے۔ جو کہ در خوالئہ تا ہے۔ میں کا موالی ا

جب لائیمر مری کے اُپر کے افسران بالا اس مے دیکارڈیس ٹیمپر نگ، جیرا پھیری اور دیکارڈیس ردوبدل کرتے رہے تو اُس آئس کے کمی بھی ملازم کے مروس بک میں پھیر بھی ہوسکتا ہے۔

لبداآپ ما حبان سے نہایت ہی مود باند گذارش کی جاتی ہے۔ کدان تمام تھا کن کوکتے اورآپ ما حبان کے دش میں لانے کا مقعد یہ کہ آپ ما حبان کواصل تھا کُل اور وجو ہات سے آگاہ کرسکوں۔ جوکہ آپ ما حبان کے علم سے پاہرہے۔ لہذااب آپ میا حبان کو قالون کے تناظر میں نیملہ کرنے میں آسانی ہوگی۔

نوٹ:۔ آفن اسٹنٹ ماحب نے جوریکارڈیسٹیرنگ کی اُن کی کا پی اور عاصم سلیم صاحب جونیز کلرک کی غیر حاضری کاریکارڈ درخواست کے ا ہمراہ بطور شوت مسلک کردی مجی ہے۔

جناب عالى!

اب بنول پبک انبریری کے آفس اسٹنٹ کے بارے میں لکھنا چا ہونگا۔جوکہ اپنے آپ کو بردا کی مدادمرکاری افسر بھتا ہے اور منومی قانون کے مطابق اپندی بھتا ہے اور منومی قانون کے مطابق اپندی بھتا ہے۔ گائی بندی بھتا ہے۔ ڈائر کیٹر صاحب نے بذریعہ آرڈ را کیک لیٹر جاری کیا مجما ہے۔ کہ آفس اسٹنٹ بنوں پبک الابریری میں تعینات خورشید کا بہریری اکا کا نٹ درک کے علاوہ اڈیٹور یم ہال اور اٹینٹرس رجٹر پراپ ڈیوٹی کے فرائفن مرائجا جو دے گا۔ بنوں پبک لابریری میں تعینات خورشید جہاں صاحب کیا گائی کا میٹن سے بغیر کی خاص دجہ سے غیر حاضر ہے جہاں صاحب کیا لاگر کم کلاسیفائز اپنے اربول ربورٹ کے بعد سے تقریباً دھائی سال سے اپنے ڈیوٹی کے امٹیٹن سے بغیر کی خاص دجہ سے غیر حاضر ہے



المحاصری رجہ میں اُن کے نام کے سامنے سے شاک Casual Leave اور نہیں اُن کے نام کے سامنے غیر حاضر سے اور انہی تک آف اسٹنٹ ماحب بنول پیک اللہ دی جا ان سامنے ہیں اور انہی تک آف اسٹنٹ ماحب بنول پیک لائم رم کا اسٹنٹ اور انہی تک آف اسٹنٹ ماحب بنول پیک لائم رم کی اور شام کی اور سام کی اور انہیں کا مظاہرہ کر رہا ہوتو دہاں پر دوسر نے ملاز مین کا سرکاری دیارڈ کیے تحقوظ دے کر دہ ہیں۔ جب اُن کا دل چا ہے تو ایس پندیدہ ملازم کو رہا ہے دوسا ہے تو ایس پندیدہ ملازم کو رہا ہے دوسا ہے تو ایس کی خرصے نے موسا کی کے معاصر کے دوسر سے ملاز مین کو مواسیت و کو گا تا اور سے ہیں تو تا ہے دوسا ہیں کو موسا کی مسئل کو رہے ہیں۔ جب کی دوسر سے ملاز مین کومز اور سے ہیں تو تصدا آن کے دیک دوسر سے ملاز مین کومز اور سے ہیں۔ جو کہ تا کہ اور ان کی کو تا تون کی خلاف ورزی کے دمر سے میں آتا ہے۔

نوٹ: - خورشید جہاں صاحب میں الا گرکم کلاسفائر بنول بیلک لائبرری کے غیر حاضری کی رپودٹ درخواست ہمراہ لف ہے۔ جناب عالی!

اب آپ کوفس میں محمد دنیا جونی کا مذکرہ کرنا چا ہونگا مور نے 04-03-03-04 کوانچاری پلک لا ہری کا کی مروت نے ایک ا آرڈ رجاری کردیا مجارے جن کا نبر 30/03/01 ہے۔ اس آرڈ ر کے مطابق ہدایت اللہ خان مینز کلرک کے پرویژن میں نائب تا صداور سوپر لا ہری کے اغدواد رہا ہر مختلف نوعیت کے ڈیوٹی مرانجام دیکھ ۔ آئ مور ند 2020-03-05 کولا مجریم میں صاحب کے آئی آرڈ ر کے مطابق من و عن ہم نے افیہ ر ذریدور سنٹر اریفر لس سیٹش ، انگٹر ہر ل ، انگٹر سائنس سیٹن اورار دوسیشن کے مطاوہ آڈیٹور کے ہال مرف ملا پانی ہے دھویا۔ لا مجری کی محقلف سیشن میں صفائی کرنے کے بعد ہم شاف مجرز آئی میں چاہے پینے کیلئے چلے کے ۔ اس دوران محدر نی جونیز کلرک ہا ہر سے اس کہ روان مجروزی جونیز کلرک نے تا فون کی خلاف ورزی کرتے ہوئے سٹاف کوڈ رایا اوران کو پریٹانی سے دوچار کردیا گیا۔ کہاں کے اس آرڈ ر کے مطابق جوجی ملاز مین مشر ہدا ہت اللہ خان کوٹر ایک اور آئی کوٹر ایک نائز مین کے خلاف قانون کے مطابق جوجی ملاز مین مشر ہدا ہت اللہ خان کوٹر ایک اور کوٹر میں کا میس کرے گاتو اور کا ذیان اور ایک اور اوران میں کے ۔ اس دوران میں نے محدر ذی جونیز کلرک کوسمجھایا کہ آپ خانو اوران ہوں کے خلاف وارک اور اوران میں کوٹر میں آئی اور بیاتی اور کر دے ہوا در آئی ہو جو کی مطابق میں تا ہے۔ اس دوران میں نے محدر ذی ہوئیز کلرک کوسمجھایا کہ آپ خانون اوران اوران میں نے محدر ذی ہوئیز کلرک کوسمجھایا کہ آپ خانوں اور کوٹر کیا آن اور بیات اوران میں نے محدر ذی ہوئیز کلرک کوسمجھایا کہ آپ خانوں اور کوٹر کیا نے اوران کی خلاف ورزی کے ذمرے میں آئی ہے۔

آپ صاحبان سے پُرزورا پیل کی جاتی ہے۔ کہ لائبریری کے مفادیس ہدایت اللہ خان سینز کلرک کے ذیر نگرانی کام کرنے والے ملاز مین کو بغاوت پراُتر والے اور پریشانی سے دوچار کرنے والے جونیر کلرک محمد فتی خان کے خلاف قانون کے مطابق سخت سے شخت ایکشن لیا جائے۔ تاکہ آئندہ کوئی بھی سرکاری ملازم لائبریری کے مفادیس کام کرنے والے ملاز مین کو بغاوت پراُتر والے اور پریشانی سے ممکنار نہ کریں۔ حال ملاز میں اور بیا اور پریشانی سے ممکنار نہ کریں۔

جس دن بدواقعہ پیش آیا آفس میں اُس دن انچاری صاحب چھٹی پرتھا۔ پھراُس واقعے کی رپورٹ بذریعہ وہائل انچاری پبلک لاہر بری کو ۔ دی گئا۔ پھرانچاری صاحب نے کہال کہ میرے آئے تک تو ڑا صبر سے کام لواور ڈائز یکٹر صاحب کواطلاع مت دو۔ میں چھٹی کے بعد آفس آگراس اُسٹے کو دنتر کے اندوحل کرلیں مے لیکن محمد فیق جونیز کلرک نے انچاری صاحب کی پروانہیں کی اور سیداڈ رائز یکٹر صاحب کو بذریعہ موبائل فون اطلاع وی اس دو افتح کی اور سید ھاڈٹر ایکٹوریٹ آف ارکائیوز اینڈلا ہر بریز ڈیپارٹمنٹ پٹاور پہنے گیا۔ وہاں پرمیرے خلاف کم پلینٹ جمع کرادی۔ جناب عالی!



اس واقع سے پہلے انچارج پبلک لائبریری نے لائبریری کے اندر مختلف نوعیت کے سرکاری کام کرنے کے دولیٹر جاری کیے تھاوریس نے فچارج صاحب كىركارى آردر برمن دى على درآ مدكرايا كيا جاوران كابخو بى الدازه انچارج صاحب اورلا تبريرى كدومر عاف ممبرزكو يملى ہے۔جب بچھے پت چلا کے محدر فیق جونیز کارک نے انچاری صاحب کی آرڈرکی پروائیس کی اور سیدهاڈ ٹرا کیٹرصاحب کومیرے خلاف لیز بھیج دیا۔ تو پھرمیری مجودی تھی کہ میں بھی اسپے حق میں اس پورے واقع سے انچاری صاحب اور ڈائز یکٹر صاحب کو آگاہ کرسکوں۔ چونکسانچاری صاحب چھٹی پر تے جن کی بناء پریس نے بھی ڈائر یکٹرصاحب کوبذر بعد لیٹراس پورے داقع سے آگاہ کردیا گیا۔ جس دن بیواقع پیش آیا تھا اُن دنوں میں انچارج صاحب چھٹی پرتھا۔ پھر کرونا وائرس کی وجہ سے یو نیورٹی مکول اکالجزاور لاہر ریز بند ہوگئے۔اب انچار ن صاحب نے میرے درخواست پرشکایت برائے محدر فیق جونیر کارک کے نام سے ایک لیٹرآپ صاحبان کے نوٹس میں لانے کیلئے بھیج دیا۔ جن کا مبیر 63/3/10LPLاور تاری 2020-07-14 انچارج صاحب نے بذریعدا فس آرڈرجن کا نمبر عام 30/3/1LP اورتاری 2020-03-04 اس آرڈر کے مطابق مسٹر ہدایت الله خان سينتركلرك كريرويون يل لابرري كرور عداف مبرز مختلف نوعيت كويوفى سرانجام دينك بحرمن وعن بم في اس آوور كمطابق كے مطابن كام شروع كرديا ـ الائبرىرين صاحب نے جوآر در ديونى كے حوالے سے تكالا تفا۔ أس پرجماد بارى نائب قاصد كے د تخطار بتے ہتے ـ كيونك أس دن وه آفس نبيس آيا تقا \_ پھررفتی خان جونير کارک با ہرے آگراس كے ہاتھ ميں ليٹر بھی تقااور باتی سان مبرز كويد ليٹرد يكھار ہا تھا۔ اس ليٹر ك مطابق جو بھی ملازم ہدایت خان مینئرکلرک کے بیرویون میں لاہر ری کے اندو مختلف نوعیت کے سرکاری کام نہیں کرے گا۔جس اس آرڈو میں انچاہاج صاحب پلک لائبریری نے کیا ہے۔ تو اُس کے خلاف مخت سے مخت ایکشن لیاجائے گا۔ پھراسی ونت میں نے اُن کو مجھانے کی کوشش کی کہ آپ بیا الدام غيرقانونى بـــــ كمآب لائبرىرى ساف كوكام ســـ ركواف اور بعاوت براتر واف كاكوشش كررب مواورآب كابيا قدام قانون كے خلاف ورزى ك زمر عين آتا ہے۔ جناب عالى!

آپ صاحبان سے پُرزورا پیل کی جاتی ہے کہ انچاری صاحب کے سرکاری آرڈر پڑل درآ مدکرواتے ہوئے بیمسئلہ در پیش ہواہے۔لہدا آ آپ صاحبان اس مسئلے کوقانون کے دائر سے میں رہ کراس کوحل کرنے میں ہماری رہنمائی اور مدوفر مائیں۔ہم آپ صاحبان کے مشکور رہیں مے۔ نوٹ:۔ انچاری صاحب پبلک لائبریری کی مروت نے جوہر کاری آرڈر بنام ہدایت اللہ خان بینٹر کلرک جاری کیے تھے۔اُس آرڈر کا کا پی درخواست کے ہمراہ لف ہے۔

جناب عالي!

ATTESTED

16-03-202 ديا بوا ي

میرے ساتھ ناانسانی اوروو ہرے معیار کاسلسل کب تک چلے گا۔ کیونکہ انچار ن صاحب جب بھی بھی ونز کے سرکاری ملازم کوسرکاری کام ادا كرف كاآردر جارى كرے كاتو جاہم جو بھى سركارى ملازم جوأن كوه وزيونى احس طريقے سے اداكرنا چاہيے۔ المخدللد جب بھى بھى انچارج صاحب نے مجھے مرکاری کام اداکرنے کا کہاں ہے۔ تویس نے اللہ تعالی کے فضل وکرم سے بہت احسن طریقے سے اداکیا ہے۔ انثاء اللہ بمیشد قانون کے دائزے میں رہ کر لائبر بری کے مفادیس کرتار ہو تگا۔

جناب عالى!

گذارش ہے کہآپ صاحبان کووزیراعظم کمپلینٹ لیل کی طرف سے ایک لیٹرآیا ہے۔جن کانمبر (KP09120-625847) جس میں ذكركيا كمياب-كمين البرري مان اورمبرز كماته بدتميزى كرتابول

جن مبران صاحبان كى ببلك لائبرى بني مير ب خلاف وزيراعظم كميليد يل ادرة ائر يكثر صاحب كوليز بهيجاب - تو زاسا أن ك متعلق إ کسنا جا ہونگا جو کہ قانونی نقطه نگاہ سے بہت ہی اہمیت کے حامل ہے۔

جن ممبران كى مروت پلك لائبرىرى نے مير عظاف كم پلينك كيا ہے أن كے نام درجد ذيل ہے عزيز خان ، اكبرز مان ، خوشدل اور شاہد

ان چاروں نام والے مبران کی مروت بلک لائبر رہی کوہم نے سٹوڈنٹس رجٹر اور نان سٹوڈنٹ رجٹر میں چیک کرے اُن کا نام ونشان تک نہیں پایا حمیااورندہی بیچاروں نام دالے ہمارے البریری کےمبرزے۔

تيسرى الهم بات جوكة قانونى نقط ذكاه سے بہت الهم لي ده يدكمان چارون ممبران كى مروت پلك لا بمريرى في اين نام كے ساتھ ولد صاحب کانام شناختی کار ڈنمبرموبائل نمبراور ممل پیتدرج نہیں کا ہےاورندہی اپناممبرشپ نمبراورر یکار دورج کی ہے۔

مچوتی اہم ہات جوتا نونی لحاظ سے سب سے بوی اہمیت کی حال ہے وہ بیک ان ممران کی مروت پلک لائبر ری نے انچارج صاحب الائبرىين كے نوٹس ميں نيس لائى ہے۔ كے فلاں ساف دالے كارويئے سے ہم لوگ تنگ ہے۔ ميرے انچارج صاحب نے جوليٹر ميرے ديوني كے حوالے ہے، میرے کرداد کے حوالے ہے اور میرے اخلاق کے حوالے ہے جو لیٹرآپ صاحبان کو بھیجا ہے۔ جس ممبران پیک لائبری کی مروت نے Citizain Portel يرجوكم يليف مير عظاف درج كالحى أن كيفوت اورجواب كيلي مير سانچارج صاحب كالميزنمبر 23/3/10/LPL ما درتاري 2020-02-12 وه كان ميدانچاري صاحب كالير درخواست كهمراه لف ب-

اب آپ صاحبان کے نوٹس میں اہم اور قانونی نقط نگاہ اے اہم بات کاذکر کرنا چاہتا ہوں۔وہ بیک کھ عرصة بل ہمارے ساف مبرز جماد باری کے تائب قاصداور فیفن رسول ہمارے لائبر مری کا جزل پلک مسٹوڈ نگ ہے اور اُن کامبرشپ نمبر 22 ہے۔ اُن دونوں کے درمیان کما بول کی ایشوز (Issues)اور بٹارنز (Returens) پر جھگڑا ہوا تھا اور مسئلے کانی ہاعث تشویش اور پڑیشانی کابن کیا تھا۔ دونوں کے درمیان تصادم کا خطرہ برم کیا تقاعين أى وتت انچارج صاحب كوبذر بيرموباكل اطلاح دى كى چونكه يين أى وتت انچارج صاحب موتع پرموجود بيس تفار الله كفشل كرم سيط ہدا عت الله خان مینئر کلرک نے موقع کے نزاکت کود کیلہ ہوئے حالات کو کنزول میں کردیا اور دونوں کے درمیان لا مجرم کی کے بہتر مفادیس سلحہ کراڈی منى -اس دانعدى بذات خود حاديارى نائب قاصدادرلا بمريى سال كواه ب-

جناب عالى!



میں نے بمیشلا بری کے مفادمیں کام کیا ہے۔ بھی انچارج صاحب کے ساتھ ملک کرلا بری ممبرز کی تعداد بوھانے کیلئے کالجوں، سکولوں، ڈسٹر کٹ جیل کی مردت، TMO آفس، DC آفس، AC آفس اور یو نیورٹی کے دورے کیے ہیں۔ بھی لاہر یری مالی کے ساتھ لاہر مری لان کے متعلق بل جل کرمشاورت کرتے ہیں۔ کہلامبریری لان میں کونے پھل داراور پھولدار درخت فائدہ مندر ہیں گے اور الحمد للد لائبریری لان کی تیاری میں ہرمہینے صدقہ جاربیہ کے طور پر مالی صاحب کی مالی عیانت کرتار ہتا ہوں۔اس بات کابذات خودانچاری صاحب، مالی عمران الله اورديگر لائبرىرى سناف گواه ہے۔ ميرے ليمسب سے بڑے اعزاز كى بات بيہ كمانچاد ج پاك لائبرىرى كى مروت ميرے بركام مے طمين ہے۔ جوش لاجريرى كم مفاديس وتنافوا قنادا كرتار بتابول

اوپراتناتنفیل سے لکھنے کامقصد سیب کمانکوائری کمیٹی صاحب کوتمام حقائق سے آگاہ کیا جائے۔ تاکہ آپ صاحبان کوقانون کے تناظر میں صحیح فیصلہ کرنے میں آسانی ہو۔ جب انچارج صاحب کی ملازم کے ACR میں پازیلیو (Positive) ریمار کس تر کرکیں۔ قواس پران کی پروموش کی جاتی ہےاور جب انچارج صاحب کی ملازم ہے ACR میں نیکلیو (Negative) ریمار کس تریر کرلیں تو اُن کی پروموژن روک دی جاتی ہے۔ جناب عال!

آپ صاحبان سے گذارش کی جاتی ہے کہ جب انچاری صاحب میری ڈیوٹی ،میرے اخلاق وکردار،میرے کام اور میرے پرفارمس (Performance) سے مطمین ہول تو باتی لوگوں کی کیا حیثیت رہ جاتی ہے۔خواہ وہ لائبریری کے مبرز ہویالا ئبریری کے ساف والے۔جو انچارج مساحب کے نوٹس میں لائے بغیر جمونی کمپلینٹ بیعیج ہیں اورخواہ مخوامیری ٹاکھ کوخراب کرنے کی کوشش کرتے ہیں۔ان کے خلاف میں قالونی حاره جوني كااپناحق محفوظ بجھتا ہوں۔

لبداآپ صاحبان سے گذارش کی جاتی ہے کہ وکا زنوٹس میں لگائے گئے تمام الزامات کو یکسرخم کی جائے۔

نوٹ: - تمام دستاد بر شوت بمراه درخواست لف ہے۔

مودفه:2020-07-22

العارض <u>سيمت</u> کرس ميمترکس مدايت الشاغان مينترکلرک يلك لابرري كى مردت. رابط نمبر: - 5702487 - 0334



### DIRECTORATE OF ARCHIVES & LIBRARIES, KHYBER PAKHTUNKHWA, PESHAWAR.

Phone: - 091-9210100 Website: - www.kpdal.gov.pk, www.facebook.com/KParchivesandlibraries.

No. 827 /3/10/DA Dated 67 /07 / 2020.

To,

Mr. Hidayat Ullah, Senior Clerk, Public Library, Lakki Marwat. Resident of Village Dallo Khei, district, Lakki Marwat.

Subject:

SHOW CAUSE NOTICE.

- I, Zahir Ullah Khan, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Hidayat Ullah, Senior Clerk, Public Library, Lakki Marwat as follows:
- 02. (a)- That, consequent upon completion of the inquiry against you by the Inquiry committee during which you were given opportunities to clarify your position vide No. 187/3/10/DA dated 03-02-2020 & 213/3/10/DA dated 10-02-2020 regarding the allegations contained in charge sheet bearing No. 187/3/10/DA dated 03-02-2020, including provision of opportunity of hearing/cross examining statements of the concerned officials on 16-03-2020.
- (b)- On going through the Findings and Recommendations of the inquiry committee, material on record including your reply/statements dated 17-02-2020, I am satisfied that you have been proved guilty for the allegation of: (i)- having undesirable track record of habitual absence & misconduct and failure in bringing improvement thereof as evident from previous three minor penalties imposed upon you on that account in 2011, 2013 and 2018 (ii)- having tampered the Red Entries regarding penalty bearing No. 3403/3/1/DA dated 11-12-2018 entered on page-17 of your service book with malafide intentions as evident from your failure to justify illegal possession of your service book from 13-02-2019 to 13-01-2020.
- O3- As a result of the recommendations contained in the inquiry report dated 02-07-2020 and connected record, I, as competent authority, have tentatively decided to impose major penalty of "removal from service" upon you under Rule-04(b,iii-) of the rules ibid.
- O4- You are thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you, also intimate whether you desire to be heard in person.
- 05- 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 exparte action shall be taken against you.

06- Copy of the Inquiry Report along with enclosures, is attached.

(Zahly Ullah Khan)
Director of Archives & Libraries,
Khyber Pakhtunkhwa, Peshawar.

### Endst: No. & Date Even.

Copy forwarded to the Incharge Librarian, Public Library, Lakki Marwat with direction to hand over copy of this notice to Mr. Hidayat Ullah, Senior Clerk under proper written receipt and furnish the same to this Directorate for record.

ATTESTED

Director of Archives & Libraries, Khyber Pakhtunkhwa, Peshawar.

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ventries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated. Name: Mr. Hoday atullah Residence: Dallakhel DissH: Lakki Marwat Father's name and residence: Haji Abolul Jalil. Date of birth by Christian era as nearly as can be ascertained: 20-9-1979 Exact height by measurement: Personal marks for identification: Left hand thumb and finger impression of (Non-Gazetted) officer: Little Finger Ring Finger Riddle Finger Fore Finger Thumb I lidayat wat Signature of Government Servant: Signature and designation of the Head of the Office, or other Attesting Officer.

Director of Archives & Libraries
Government of NWr Peshawa

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OFFICE OFFIFE LIBRARIAN Lakk Public Elbant takk Mari

To

14-2-2020

To-23/3/00/LRL:Dated: 12/02/2020

Mr. Naveed Ullah Jan Convener, Inquiry Committee

Subject:

WRITTEN STATEMENT/REPLY TO THE CHARGE SHEET NO. 17/3/10/DA

Reference to the letter No. 214/3/10/DA dated: 10/02/2020 relating to the allegation upon Mr. Hidayat Khan, Senior Clerk BPS-14, Public Library Lakki Marwat.

The following reply is submitted.

- 1. Maintenance and custody of the service books of all the staff of the Library is not included in my Job Description.
- 2. The same question may be asked from accused Mr. Hidayat Khan Senior Clerk BPS-14 Public Library Lakki Marwat.
- 3. When Hidayat Khan, was proceeded and Punished on 11/12/2018, at the same time he was transferred from Directorate of Archives and Libraries, Peshawar to Public Library Bannu; The detail for the increment for the year 2018 may be asked from the Directorate of Archives and Libraries as the accused was serving their in that period. However, when it was come to my knowledge that the accused has received the excess amount of his annual increment amounting to Rs. 1170 December 2019, the same has been reported to account office through source 2 for the recovery of annual increment 2019. (Copy enclosed).
- 4. As stated in question 4 in letter referred above, Copies of the Pay slips for the month. November, December 2019 and January 2020 is enclosed.
- 5. The detail of the attendance of the accused and all staff of the Library is enclosed. Over All Conduct and Behavior of the accused with the Library users and the staff was satisfactory during the year. He carried the assignment as directed by the undersign moreover no written complaint from general masses and officials of the library was received during the year 2019.

Anwar Jalal Librarian

Lakki Public Library, Lai

ATTESTED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

or up to the	Service Appeal No worthy chair-ow ut append:		163/0
	atullah Khan	Applicant/Appellant	οU
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odu			,

Application for restraining the Respondents from filling the post of Office Assistant (BPS-16) through promotion till final disposal of the instant appeal.

Respectfully Sheweth,

- 1. That the above titled service appeal is pending before the Hon'ble Tribunal which is fixed for hearing on 01.12.2021.
- 2. That the Service Appeal is pending adjudication before this Hon'ble Tribunal wherein appellant has called in question the Notification dated 01.01.2021 whereby he was reduced from the post of Senior Clerk to Junior Clerk for one year. The appeal has already been admitted to regular hearing and Reply has been sought from the Respondents.
- 3. That it is valuable to assert here that Promotion cases have been processed which are likely to be filled soon. Moreover, albeit the appeal is pending but appellant has served out the penalty. In this backdrop of the matter, app is entitled to be promoted against the post of office Assistant BPS-16). It is further submitted that 3 juniors are being promoted which is not sustainable in the eye of law. Appellant has also moved an application (*Annex:-B*) to the concerned quarter regarding his promotion which was duly processed.
- 4. That if the Respondents are not restrained from issuance of promotion order then the appellant will suffer irreparable loss as the very purpose of the instant appeal would fizzle out and the same would become infructuous, as appellant will be rendered junior to his juniors.

5. That the facts alleged and grounds taken in the body of main appeal may kindly be taken as an integral part of this application, which make out an excellent prima facie case in favour of applicant/appellant.

It is, therefore, humbly prayed that on acceptance of this application, the Respondents may graciously be restrained from issuing Notification of promotion of Office Assistant (BPS-16) till the final disposal of the instant appeal.

Through

Applicant

Muhammad Amin Ayub

Advocate, High Court

&

Muhammad Ghazanfar Ali Advocate, High Court

Dated: 03/08/2021

### Verification

Verified that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Applicant/Appellant

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Higher Education Archives and Libraries Department. Coll Secretarian Persuaux.

Surject Claim for Senioring

Respected Sa

Respectfully it is stated that I came to know through religible source, the Described a of Archives and Libraries promoting from Senior Clarks (SPS-14) to Office According (SPS-14) on a the 2nd position in the priority list but they are ignoring the in this segant. Information provides for your corrective action piezze.

Thanking yourn anticipation.

Dated Lay of 12 or 1

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