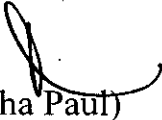


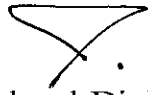
31.05.2023

Appellant alongwith his counsel present. Mr. Khalid, Sub-Inspector alongwith Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Learned counsel for the appellant has submitted an application for placing on file certain documents, which is allowed subject to all legal and valid objections. Learned Assistant Advocate General requested that he has not gone through the documents so filed through application, therefore, an adjournment may be granted. Adjourned. To come up for arguments on 19.06.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
KUST
Peshawar


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

28.02.2023

Junior to counsel for the appellant present. Mr. Umair Azam, learned Additional Advocate General for respondents present.

Former requested for adjournment on the ground that senior counsel for the appellant is busy before Hon'ble Islamabad High Court, Islamabad. Last chance is given to argue the case failing which the case will be decided on the basis of available record without the arguments. To come up for arguments on 15.03.2023 before D.B. P.P given to the parties.



(Rozina Rehman)
Member (J)



(Kalim Arshad Khan)
Chairman

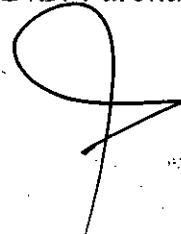
15th March, 2023

Junior of learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 31.05.2023 before the D.B. Parcha Peshi-given to the parties.



(Salah-ud-Din)
Member (J)



(Kalim Arshad Khan)
Chairman

SCANNED
KPST
Peshawar


SCANNED
KPST
Peshawar

28.09.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Muhammad Naeem, Section Officer and Mr. Khalid Khan, Inspector for the respondents present.

Reply/comments on behalf of respondents No. 1 & 2 have already been submitted. Reply/comments on behalf of respondents No. 3 submitted today. On previous order sheet cost of Rs. 3000/- stands imposed upon the respondents which is paid to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, and arguments before the D.B on 01.12.2022.

01/12/22


(Mian Muhammad)
Member (E)

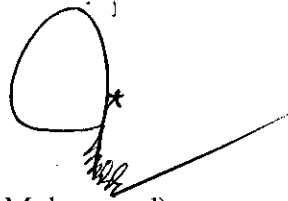
*Due to rush of work so
the case is adjourned to the
next date 23/02/23*


Recorder.

31.05.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith Mr. Hamayun Superintendent on behalf of respondents No. 1 & 2 present. None present on behalf of private respondent No. 3.

Written reply/comments on behalf of respondents No. 1 & 2 submitted which is placed on file. Copy of the same is handed over to learned counsel for the appellant. Written reply/comments on behalf of respondent No. 3 not submitted, therefore notice be issued to respondent No. 3 for submission of written reply/comments. Adjourned. To come up for written reply/comments on 26.07.2022 before S.B.


(Mian Muhammad)
Member (E)

26.07.2022

Junior to counsel for appellant present.

Naseer Ud Din Shah, learned Assistant Advocate General alongwith Khalid Khan S.I (representative of respondent No.3) present.

Reply on behalf of respondents No.1 & 2 has already been submitted. Representative of respondent No.3 requested for time to submit reply. Last opportunity is granted on payment of cost of Rs.2000/- to be paid on behalf of respondent No.3. If the reply/comments are not submitted till next date, right of respondent No.3 for submission of comments shall be deemed as struck off. To come up for reply/comments of respondent No.3 on 28.09.2022 before S.B.


(Rozina Rehman)
Member (J)

10.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 11.03.2022 for the same as before.



Reader

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 13/4/2022 for the same as before.



13/4/2022

None for the appellant. Mr. Kabirullah Khattak, learned Addl AG for the respondents present. Learned Addl. AG requested for adjournment. Request accepted. Last chance is given for submission of written reply/comments. To come up for written reply/comments on 31/5/2022 before S.B.



CHAIRMAN

Appeal No. 7939/2021
Engr. Sanobar Khan vs Govt

03.01.2022

Counsel for the appellant present. Preliminary arguments have been heard.

The appellant has impugned the letter dated 02.12.2021 addressed to the Director, Anti-Corruption Establishment Khyber Pakhtunkhwa, Peshawar by Section Officer (Establishment) Public Health Engineering Department Government of Khyber Pakhtunkhwa, whereby the Anti-Corruption Establishment has been requested to take necessary action against the appellant for recovery of Rs. 1.0621 Million on account of pecuniary loss to the Government exchequer. Points raised need consideration. The appeal is admitted for full hearing subject to all just legal and factual objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 31.01.2022 before S.B.

Appellant Deposited
Security & Process Fee

10/1/22

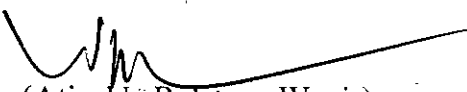
Alongwith the appeal an application for interim relief for suspension of the impugned letter dated 02.12.2021 has been filed. Notice of application be also given to the respondents. Operation of the impugned order shall remain suspended till date fixed.


Chairman

31.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for respondents present.

Reply/comments on behalf of respondents are still awaited. Learned Additional Advocate General sought time for submission of reply/comments. Granted. To come up for reply/comments before the S.B on 10.02.2022.





(Atiq-Ur-Rehman Wazir)
Member (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7939 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/12/2021	<p>The appeal of Engr. Sanobar Khan presented today by Mr. Abdul Rahim Jadoon Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>03/01/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Due to retirement of the Worthy Chairman, the Bench is hence, therefore, case is adjourned to 10.02.2022 for the same as before.</p> <p style="text-align: right;"> JUDGE</p>

SCANNED
KUST
Peshawar

10.02.2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No 7939/2021

Engr. Sanobar Khan
Versus

Government of Khyber Pakhtunkhwa et al

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4	Copy of the retirement order	"C"	20
5	Copies of the Work Orders	"D"	21-25
6	Copies of the TS(s)	"E"	26-50
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8	Copy of the Judgment of PHC	"G"	78-82
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PETITIONER

Through



Abdul Rahim Jadon,

H Bilal Khan

&

Najam Ul Saleheen

Advocate High Court(s)

H#130, St# 7, Sector E-1,

Phase 1, Hayatabad, Pesh

December 28, 2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 7939/2021

Engr. Sanobar Khan,
Chief Engineer PHE (retired),
Public Health Engineering Department,
Resident of H#33, St#2, Sector N-4, Phase-IV,
Hayatabad, Peshawar.

..... Appellant

Versus

1. Government of Khyber Pakhtunkhwa,
Through Chief Secretary,
Civil Secretariat, Peshawar.
2. Public Health Engineering Department,
Through its Secretary
C & W Building, Peshawar.
3. Director Anti-Corruption Establishment KP,
Anti-Corruption Establishment Building, Phase-V,
Hayatabad, Peshawar.

..... Respondent

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST IMPUGNED
LETTER DATED 02.12.2021 TOGETHER WITH ALL PROCEEDINGS
CONSEQUENT THERETO OR ARISING THERE-FROM ARE
ILLEGAL, UNLAWFUL, WITHOUT LAWFUL AUTHORITY BEING
VIOLATIVE OF THE FUNDAMENTAL RIGHTS BESIDES BEING NOT
IN ACCORDANCE WITH E&D RULES 2011 AND NOT TO MAKE ANY
SORT OF RECOVERY FROM THE APPELLANT AND PROCEEDING
ADVERSELY AGAINST THE APPELLANT ON THE BASIS OF
IMPUGNED LETTER

May it please this Honorable Court

The appellant very humbly submit as under

1. That the appellant was initially appointed as Assistant Engineer (Sub Divisional Officer (SDO)) in the office of Respondent No.2 in the year 1983. Thereafter he was promoted to the rank of Executive Engineer (XEN) in the year 1998 and afterwards the appellant was promoted to the position of Superintending Engineer (SE) in the year 2010 whilst lastly he was promoted and served the Respondent No. 2 Department as Chief Engineer and got retired on 30.08.2016. It is pertinent to place on record that the appellant has served the Respondent No.2 Department for almost three and half decades while maintaining an unimpeachable track record, unimpeachable reputation and spotless integrity, never giving any chance of even a minor complaint to any of his superiors. He is known for his unblemished career and is regarded one of the cleanest government servants in the rank of civil servants in the Province.

(Copies of the Appellant transfer/posting etc. are Annexure "A")
(Copy of the retirement order is Annexure "B")

2. That in the year 2011-12 the Provincial Assembly of Khyber, Pakhtunkhwa was pleased to pass the Annual Development Program (ADP). Along with numerous other projects, a project by the name of "Strengthening and Capacity Building of PHE Department" (to be called as the "Project" for facility of reference) vide ADP No. 242/100098(2011-12) was also included therein. It is pertinent to place on record that the aforesaid project was hence after approved from Provincial Development Working Party (PDWP) on 13.12.2010 by the concerned Authority. As the name entails, the project was purely for the purpose of strengthening and capacity building of the system of Respondent No.2 Department and its employees.

3. That it is pertinent to mention here that the appellant was posted out from the Post of SE, Peshawar on 20.07.2011 and was neither having any concern with the Projects, Proposals and Office works connected with the Peshawar Office.

(3)

4. That it so happened that the concerned Officers of PHED and others in the August 2011, after fulfilling all the codal formalities and putting up all efforts, energies and time, awarded the work orders for different items of the aforesaid project to different contractors. It thus seems very novel and inane to consider that Appellant was by any means concerned with the said Project when the scheme was approved by the provincial legislature in the budget of years 2011-12 and how come it was possible that the Appellant had any role or part in it as the Appellant was posted out from the post of Superintending Engineer, Peshawar on 29.07.2011 thus neither he had issued any work order nor has he approved any TS etc.

(Copies of the Work Orders are Annexure "C")

5. That it is a settled procedure as per S.No.21.1.under the Government of Khyber Pakhtunkhwa, Finance Department delegation of power under the Financial Rules and Power Re-appropriation Rules 2001, Chief Engineer is the competent authority to accord technical sanction upon the finalization of their detailed cost estimate according to their needs. Similarly in the "Project" the high ups of the department also desired some changes and accordingly the then Chief Engineer Mr. Ghulam Mujtaba accorded technical sanction vide letter No.02/2-PHE dated 02.06.2012.

(Copies of the TS(s) is Annexure "D")

6. That, at the cost of repetition it is submitted that during the execution of work orders issued by the officials concerned, Appellant was posted out from the Post of SE, Peshawar, therefore, he had no role or say in the work orders so issued or the technical sanction so accorded in the year 2012, much later after the posting of the Appellant.

7. That due to certain inter-se ulterior motives and grudges amongst the different high officials of PHED, an internal inquiry was initiated/ conducted by the then Superintendent Engineer Timergarah in the aforesaid project, who recommended for a high level committee or independent investigation agency to probe out the matter further. Consequently the Respondent No.2 recommended that inquiry be

4

conducted through Provincial Inspection Team (PIT) and the then Chief Secretary approved the same and accordingly an inquiry was authorized in respect of the aforesaid "Project".

8. That Consequently, the PIT conducted a thorough inquiry stretching over a period of eight months wherein they only found the then Chief Engineer, Superintendent Engineer and Executive Engineer responsible (not the Appellant) and finally after scrutinizing each and every aspect of the "Project" reached at a conclusion and made the recommendations, crux whereof is as follows:

- a. An amount of Rs. 52,29,119/- may be recovered from Mr. Ghulam Mujtaba, the then Chief Engineer and Mr. Nasir Latif the then Executive Engineer on equal share basis.*
- b. Strict disciplinary action against the aforesaid two officers.*
- c. Disciplinary action against the then Chief Engineer (South) and Mr. Sikander Khan Superintending Engineer (Headquarter) PHED be for preparation of faulty PC-1.*
- d. Further to direct Planning and development Department that not to entertain such like faulty PC-1 in future.*
- e. Disciplinary action against the staff who has not cooperated during the inquiry and resulted into the delay of the report.*
- i. Lastly to direct the PHED to immediately receive all the furniture from PAK German for which payment has been made."*

(Copy of the PIT inquiry report is Annexure "E")

9. That in light of the inquiry conducted by PIT, it can be unequivocally stated that liabilities were only fixed on the then Chief Engineer (South) Mr. Ghulam Mujtaba and Executive Engineer concerned as they were the relevant authorities in execution of the "Project" and if anything has gone wrong, the responsibility squarely rested on the aforenamed officers. Since the inquiry of the PIT had found nothing incriminating or culpable against the Appellant, as the matter does not pertain to his period of posting, thus PIT report had not included him thus it was a kind of clean

(3)

chit to the Appellant . However the then Chief Engineer Mr. Ghulam Mujtaba while aggrieved of a show-cause notice issued pursuant to the findings of the PIT , filed a Writ Petition No.3440-P/2015 before this honorable Court and sought quashment of the same on certain technical grounds. Resultantly this honorable Court on 14.06.2016 has observed and decided that “the Show-cause notice is set-aside however the Department is at liberty to proceed the Appellant under the Government Servants (Efficiency and Discipline) Rules, 2011 in pursuance of the report of fact finding inquiry conducted by Provincial Inspection Team.”

Stress supplied

(Copy of the Judgment of PHC is Annexure “F”)

10. That, in the meantime, Appellant got retired from service on 30.08.2016 while attaining the age of superannuation however the Respondent No.2 constituted another Inquiry Committee vide letter No. SO(Estt)/PHED/8-36/2014 dated 09.09.2016, consisted of **Mr. Syed Daud Jan BPS-20** and **Mr. Hazrat Masaud Mian BPS-20**. It is worth mentioning that Syed Daud Jan BS20 being an officer from one of the works departments, was the technical member, while the other officer was from Management Group as administrative member. As averred above, the inquiry was sanctioned and accordingly mandated to investigate and look into the affairs of Mr. Ghulam Mujtaba only. The committee only served him with a Charge sheet and Statement of Allegations. It is important to mention that aforesaid Inquiry Committee had neither associated the Appellant with the inquiry proceedings in any manner nor had it afforded any opportunity of hearing to the Appellant because the Appellant had no nexus with the allegations.
11. That this inquiry committee, which was supposed to complete its proceedings with a period of thirty days under the normal procedure, took over an year in completing its proceedings.. Meanwhile the Technical Member of the Inquiry Committee also got retired on 18.04.2017 thus rendering the Committee incomplete and left without any further authority or jurisdiction to continue. Instead of seeking further instructions from competent authority, Mr. Hazrat Masud Mian, while having no legal mandate

(6)

left with him to act singly, issued a report on 08.09.2017 wherein adverse remarks were made against the then SDOs and Sub Engineers as well and it was proposed that they are equally liable however there is no mention of the Appellant in that report too. Conclusion of the report is as follows:

“for the losses amounting to Rs. 7.9659 million, the accused, Superintending Engineer, XEN, SDO and Sub Engineers are responsible on equal share basis.

.....
there are two ways of looking into the matter. If we look into the expenditure in comparison with the total cost of PC-1, it is on lower side and it seems that no irregularity has been committed. But if individual items are looked into in detail, it reveals that a lot of arbitrariness has been exercised in the process by spending amount allocated for one item on another and on items not included in PC-1 without the approval of competent forum i.e PDWP.”

(Copy of the 2nd Inquiry Report is Annexure “G”)

12. That it is crucial to note here that the aforementioned inquiry report has not been signed by the first member of the Committee whereas the 2nd member has single-handedly submitted the inquiry report on 08.09.2017 six months after retirement of the technical member thus entire process was vitiated incurably and rendered without lawful authority as per Rule 2(1)(j) of the Efficiency and Discipline Rules 2011, the “inquiry committee” means a committee of two or more officers, headed by a convener, as may be appointed by the competent authority under these rules;” therefore an individual cannot be an inquiry committee as per the mandate of the aforesaid rule. Moreover Rule 11 (1) of the E&D Rules, 2011 states that the below mentioned Procedure must be followed by inquiry officer or inquiry committee, as the case may be---

(7)

“(1) On receipt of reply of the accused or on expiry of the stipulated period, if no reply is received from the accused, the inquiry officer or the inquiry committee, as the case may be, shall inquire into the charges and may examine such oral or documentary evidence in support of the charges or in defense of the accused as may be considered necessary and where any witness is produced by one party, the other party shall be entitled to cross-examine such witness.....”

(7)The inquiry officer or the inquiry committee, as the case may be, shall submit his or its report, to the competent authority within thirty days of the initiation of inquiry:”

(Copy of the E&D Rules 2011 is Annexure “H”)

13. That in light of the procedure laid down in the E&D Rules, 2011 neither the Appellant was served with any Charge Sheet and Statement of Allegations nor he had been associated in any manner with the Inquiry proceedings and had not been given any personal hearing and most astonishingly the Respondent No.2 office issued a letter No. SO(Estt)/PHED/8-36/2014 dated 04.12.2017 to the Accountant General, Khyber Pakhtunkhwa and wrongly stated therein, might have been some confusion, that the Inquiry Officer in report (signed by only one member) has recommended recovery of Rs 1.0621 million from the Appellant. Therein they have further stated to recover the aforesaid amount from the pension of the Appellant as he got retired on 30.08.2016.

(Copy of the letter dated 04.12.2017 is Annexure “I”)

14. That when the Appellant was informed by the AG office about the aforementioned letter so he immediately submitted a letter dated 13.12.2017 before the Respondent No.2 and made submission therein that due to some confusion in secretariat office the so called losses reported in the tenure of some other Superintendent Engineer have been placed against him erroneously.

②

(Copy of the letter dated 13.12.2017 is Annexure "J")

15. That while admitting there mistake, Respondent No.2 office has immediately issued another letter of even number dated 22.12.2017 and requested the AG office that there letter dated 04.12.2017 be held in abeyance. Thereafter the Appellant took a sigh of relief and since then continuously receiving his pensionary benefits.

(Copy of the letter dated 22.12.2017 is Annexure "K")

16. That likewise instead of initiating proceedings against the then Chief Engineer Mr Ghulam Mujtaba, the SDOs and Sub Enginners were served unlawfully with the Show Cause Notices No. SO(Estt)/PHED/8-36/2014 dated 04.12.2017 by the Respondent No.2, who have challenged the same before the Honorable Peshawar High Court in WP. No.5252-P/2017 wherein, while acknowledging the prima facie nature of case, interim relief was granted to the SDO and Sub Engineer by this Honorable PHC.

(Copies of the impugned Show Cause Notices are Annexure "L")
(Copy of the WP 5252-P/2017 and order therein are Annexure "M")

17. That in the year 2018 a summary for Chief Minister was moved by the Respondent No.2, who has graciously hold that the previous findings are over ruled and set aside be against the statutory rules and established facts thus in light thereof vide para 111 and 112 of the Summary the aforementioned controversy was put to an end as follows:

"111. Since, the competent authority i.e. Chief Minister Khyber Pakhtunkhwa has over-ruled the inquiry conducted in the subject case, in this regard, it is submitted that the highest officers i..e the then Chief Engineer (Mr. Ghulam Mujtaba, now retired), recovery of losses amounting to Rs.1.593 million has been effected from his pension/gratuity. As far as recovery of losses on the part of Mr. Nasir Lati, the then XEN PHED is concerned, he has died on 04.07.2018 and hence no recovery

could be made from him.

(9)

112. in view of the above, the PHE Department is of the view that since inquiry proceedings against the other accused officers has been over-ruled by the competent authority vide para-106 ante, it is therefore, proposed that the subject case may be filed so that to avoid legal complications, please.”

(Copy of the Summary to Chief Minister is Annexure “N”)

18. That in light of the aforementioned summary the Honorable Peshawar High Court disposed of the above mentioned WP 5252-P/2017 on 12.03.2020 thus the SDOs and Sub Engineers were also given a clean chit.

(Copy of the Judgment dated 12.03.2020 is Annexure “O”)

19. That thereafter the matter was put to an absolute naught but most shockingly and to the utmost dismay of the Appellant, Respondent No.2 has issued a letter No. SO(Estt)/PHED/8-36/2014 dated 02.12.2021 to the Respondent No.3 and has requested him to lodge an FIR against the Appellant for recovery of Rs.1.0621 million.

(Copy of the impugned letter to ACE dated 02.12.2021 is Annexure “P”)

20. That being aggrieved of the contents of the said letter No. SO(Estt)/PHED/8-36/2014 dated 02.12.2021, the Appellant filed a Writ Petition No.5271/2021 in the Peshawar High Court, Peshawar wherein the Petitioner challenged the impugned acts of the Respondents No.2 and prayed for withdrawal of the letter so mentioned, but the Honorable Peshawar High Court, Peshawar vide its Judgment and Order dated 20.12.2021 hold that the grievances of the Appellant/ Petitioner cannot be adjudicated in the Writ Jurisdiction of the High Court and the same is barred under Article 212 of the Constitution of Islamic Republic of Pakistan.

(Copy of the Writ Petition No. 5271/2021 and Decision thereon is annexure “Q”)

21. That consequent to the above letter, Appellant has received a telephone call from the

10

office of Respondent No.3 for making his appearance before them who have got no authority to open a matter which has been inquired twice by a high level committee and wherein court orders have been passed besides Appellant's name has erroneously been swapped with some other SE of the Respondent No.2 Department. Thus in such like situation for a retired and ailing person, who has been retired from service almost six years ago.

22. That since there is no other remedy available and as per the Judgment of the Honorable Peshawar High Court Peshawar matter lies exclusively within the Jurisdiction of this Honorable Tribunal, the Appellant, while having no other adequate or efficacious remedy against the aforesaid illegal acts and letter dated 02.12.2021 and subsequent acts of the Respondents (hereinafter referred to as the "impugned acts" for facility of reference only), Appellant is constrained to file instant Appeal on following grounds and reasons, amongst others:

Grounds of Appeal

- a. **Because** the impugned letter dated 02.12.2021 and proceedings arising there-from or consequent thereto are illegal, unlawful, without lawful authority and thus of no legal effect.
- b. **Because** the matter has twice been considered by the Honorable Peshawar High Court at length thus instant proceedings are to humiliate and harass the Appellant and thus are in clear defiance of the Judgment rendered by this Honorable Court that too in a situation when a civil servant who has got retired almost six years ago and whose name has erroneously been swapped with some other name.
- c. **Because** neither the Appellant has issued any work orders nor he has made any Technical sanctions (TS).
- d. **Because** the ADP was passed by the provincial legislature in the financial year 2011-12 whereas the Appellant was posted out from the post of SE, Peshawar on

29.07.2011 therefore he had no role or say in the execution of the work of TS etc. as entire work has been done in late 2011 and 2012.

- e. That neither the name of the Appellant are included in the Inquiry Conducted by PIT nor any recommendations are given against the Appellant by the single member of the 2nd Inquiry Committee thus very issuance of impugned letter dated 02.12.2021 is in clear disregard of the E&D Rules, 2011 and if left unattended and unchallenged, the wrongful proceedings arising out of impugned letter are about to create legal complications for the Appellant.
- f. Because in numerous other instances when an employee is faced with serious allegations such as misappropriation of funds etc, they have been invariably issued proper charge-sheets, statements of allegations, sought replies thereto and afforded to clear themselves in properly, fairly and independently conducted inquiries, however no such treatment is accorded to the Appellant.
- g. Because Appellant cannot be punished or proceeded due to an illegal inquiry of an officer, who had no technical background or exposure to any works related matter. It is also once again to bring on record that a member of the Inquiry Committee who had technical background has not signed the Inquiry Report thus the report carries no legal weight and cannot be made basis to the impugned letter dated 02.12.2021 that too when there is no mention of the Appellant. At the cost of repetition, it is submitted that Appellant's name is wrongly swapped with someone else's name.
- h. Because the Appellant got retired in the year 2016 therefore he cannot be proceeded against in a matter of 2012 that too in the year 2021 as per the provisions of the Service laws one cannot be proceeded departmentally after his retirement.
- i. Because the irony of the matter is that at one hand the Inquiry Officer (member of the Inquiry Committee) is stating that the procured substances are of far better quality as well as if seen in this context of expenditure then it seems that no irregularity has occurred but when seen otherwise it alleges that a lot of arbitrariness has been exercised.

- j. Because the Inquiry Officer has neither uttered a single word about the Appellant nor has he made any recommendations to make recovery from the Appellant.
- k. Because the direct issuance of "Impugned letter" dated 02.12.2021 is utterly infracting the provisions of Article 10-A of the Constitution as the Appellant has not been affiliated with the inquiry proceedings at any stage thus the impugned proceedings are in total transgression of Article 4 and 10A of the Constitution of the Islamic Republic of Pakistan.
- l. Because the Appellant is being treated without due process of law.
- m. Because the requirement of a proper inquiry against an officer, who is intended to be proceeded against, cannot be lightly brushed aside. Competent authority has to furnish good grounds and reasons for doing so. So far as the case of the Appellant is concerned, no inquiry has been conducted, associating him and requiring him to furnish his defense.
- n. Because as per Rule 2(1)(j) of the Efficiency and Discipline Rules 2011, the "inquiry committee" means a committee of two or more officers, headed by a convener, as may be appointed by the competent authority under these rules;" therefore an individual cannot be an inquiry committee as per the mandate of the aforesaid rule.
- o. Because the then Chief Engineer while aggrieved with the recommendation of the PIT, filed writ petition before this honorable Court and sought quashment of the same on certain technical grounds. Resultantly this honorable Court ordered re-inquiry only up to the extent of the then Chief Engineer namely Ghulam Mujtaba. Thus the Respondent No.2 cannot drag the Appellant in light of the inquiries wherein neither the Appellant has been issued with direction to appear nor any adverse role has been given to him during the inquiries by the PIT and Hazrat Masood Mian.
- p. Because the impugned proceedings are clearly undertaken in a selective manner, where only the Appellant has been chosen as scapegoats while others are conveniently ignored/given clean chit.
- q. Because if left unattended, the impugned proceedings are going to create serious hardship for the Appellant that too at this old age and without right of audience.

(3)

- r. Because Article 4 of the Constitution guarantees that Appellant is entitled to be treated in accordance with law and to equal protection of law. Whereas Article 10-A guarantees a fair trial and due process in accordance with law.
- s. At the time of arguments, the Appellant reserve the right to submit additional grounds with kind permission of this Honorable Court.

It is therefore very humbly prayed that on acceptance of this Petition, this Honorable Court may very magnanimously hold, declare and order that:

- I. Impugned letter No. SO(Estt)/PHED/8-36/2014 dated 02.12.2021 together with all proceedings consequent thereto or arising there-from including but not limited to lodging of FIR are illegal, unlawful, without lawful authority being violative of the fundamental rights besides being not in accordance with E&D Rules 2011, thus liable to be set aside, reversed, quashed and put at naught.
- II. Respondent shall be restrain from making any sort of recovery from the Appellant and proceeding adversely against the Appellant on the basis of impugned letter dated 02.12.2021.
- III. *Any other relief*, not specifically prayed may also graciously be granted to the Appellant, if appears just, necessary and appropriate.

APPELLANT

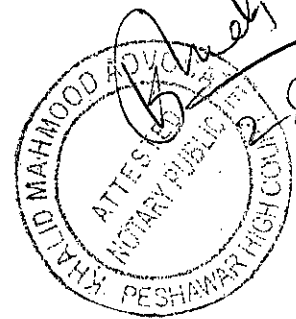
Through

28.12.2021

[Signature]
 Abdul Rahim Jadooh
 &
[Signature]
 Hazrat Bilal Khan
 Advocate High Court(s)

VERIFICATION:

I, Engr. Sanobar Khan, Chief Engineer PHE (retired), Public Health Engineering Department, Resident of H#33, St#2, Sector N-4, Phase-IV, Hayatabad, Peshawar verify on oath that the contents of this Appeal are true and correct and nothing contained therein is false.



DEPONENT

CM Application No _____ \2021

In Service Appeal No _____ \2021

Engr. Sanobar Khan

Versus

Government of KPK and Others

APPLICATION FOR INTERIM RELIEF FOR ISSUANCE OF DIRECTIONS FOR SUSPENSION OF THE IMPUGNED LETTER NO. SO(EST)/PHED/8-36/201 DATED 02.12.2021 AND THE RESPONDENTS BE RESTRAINED FROM TAKING ANY ADVERSE ACTION AGAINST THE APPELLANT, TILL THE FINAL DISPOSAL OF THIS APPEAL.

May it please this Honorable Tribunal:-

The Applicant \ Appellant very humbly submits as under:

- 1) That the Applicant \ Appellant has been filing the above-mentioned appeal before this honorable Tribunal today in which no date of hearing has yet been fixed.
- 2) That the Applicant \ Appellant has got a prima facie case in his favor and is very much deserving of its success.
- 3) That balance of convenience has got a clear tilt in favor of the Applicant \ Appellant and in case the same is not granted the Appellant would face insurmountable inconvenience.
- 4) That if the interim Relief so requested is not extended in favor of the Applicant \ Appellant the Applicant may face irreparable loss which could not be compensated by any means.
- 5) That content of the accompanying appeal may kindly be considered as integral part and parcel of this application.

It is therefore most humbly prayed that on acceptance of this Application the operation of the impugned letter No. SO(EST)/PHED/8-36/201 dated 02.12.2021 and all proceedings consequent thereto may very kindly be suspended and the Respondents be restrained from taking any adverse action against the Appellant till the final disposal of this Appeal.

APPELLANT / APPEALANT

Through
 Abdul Rahim Jadoon
 H Bilal Khan
 Advocates High Court(s)

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

CM Application No _____/2021

In Service Appeal No _____/2021

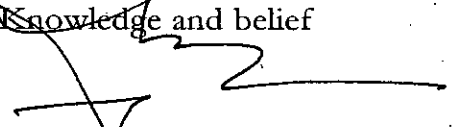
Engr. Sanobar Khan

Versus

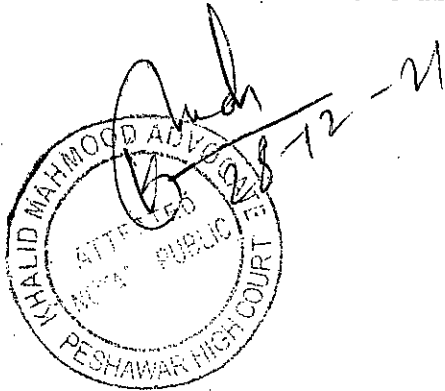
Government of KPK and Others

AFFIDAVIT

I, Engr. Sanobar Khan do hereby solemnly declare and affirm on oath that the accompanying Application is true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.



DEPONENT



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No _____/2021

Engr. Sanobar Khan

Versus

Government of KPK and Others

Addresses of the Parties

Appellant

Engr. Sanobar Khan

Chief Engineer PHE (retired),
Public Health Engineering Department,
Resident of H#33, St#2, Sector N-4, Phase-IV,
Hayatabad, Peshawar.

Respondents:

4. **Government of Khyber Pakhtunkhwa,**
Through Chief Secretary,
Civil Secretariat, Peshawar.
5. **Public Health Engineering Department,**
Through its Secretary
C & W Building, Peshawar.
6. **Director Anti-Corruption Establishment KP,**
Anti-Corruption Establishment Building, Phase-V,
Hayatabad, Peshawar.

APPELLANT

Through


Abdul Rahim Jadoon,


H Bilal Khan

&


Najam Ul Saleheen
Advocates High Court(s)

~~Annex~~ - E Annex "A"

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT

(5)

Dated Peshawar the 29th July 2011

NOTIFICATION

NO. SO(E-I)E&AD/9-363/2011. The competent authority is pleased to order the posting/transfers of the following officers of Public Health Engineering Department, Khyber Pakhtunkhwa in the public-interest, with immediate effect: -


SR. #	NAME OF OFFICER	FROM	TO
1.	Mr. Sanobar Khan (BS-19)	Superintending Engineer, Public Health Engineering, Peshawar Circle.	Chief Engineer (North), Public Health Engineering, in his own pay and scale, vice Sr. No. 2
2.	Mr. Sikandar Khan (BS-19)	Chief Engineer (North), Public Health Engineering Department.	Report to Public Health Engineering Department for further posting.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA


Endst. No. and date even

Copy forwarded to the:-

1. Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt. of Khyber Pakhtunkhwa, Public Health Engineering Department.
4. Accountant General, Khyber Pakhtunkhwa
5. Chief Engineer, Public Health Engineering Department, Peshawar.
6. PS to Chief Secretary, Khyber Pakhtunkhwa
7. P.S. to Secretary Establishment, Khyber Pakhtunkhwa
8. Officers concerned (CCIO Secy PHE Dept)
9. Manager, Govt Printing Press Peshawar.


(ZUBAIR AHMED)
SECTION OFFICER (ESTT. I)
PH: & FAX# 091-9210529

Zia-ul-Haq


~~ATTESTED~~

~~ATTESTED~~

~~ANNEXURE~~
RELINQUISH OF CHARGE

In pursuance of the Notification issued vide Govt of Khyber Pakhtunkhwa Establishment & Administration Department, Peshawar No.SO(E-1)E&AD/9-363/2011 dated 29.07.2011, I Engr. Sanobar Khan, have relinquished the charge of the post of Superintending Engineer, PHE Circle Peshawar, this 1st day of August 2011 (forenoon).

(Engr. Sanobar Khan)
Superintending Engineer
PHE Circle, Peshawar

Endst: No. 583/E-1/SE

Dated 01/08/2011

Copy forwarded to the:-

1. Secretary to Governor, Khyber Pakhtunkhwa Province Peshawar
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa Peshawar
3. Secretary to Govt of Khyber Pakhtunkhwa PHE Department Peshawar. 02-8
4. Accountant General, Khyber Pakhtunkhwa Peshawar.
5. Chief Engineer (South), PHE Department, Peshawar.
5. PS to Chief Secretary, Khyber Pakhtunkhwa Peshawar.
6. PS to Secretary Establishment, E&A Department Peshawar.
7. Manager, Govt Printing Press Peshawar. 02-8

(Engr. Sanobar Khan)
Superintending Engineer
PHE Circle, Peshawar

①
2-8
~~TESTED~~

~~TESTED~~

Annex

(19)

ASSUMPTION OF CHARGE

In pursuance of the Notification issued vide Govt of Khyber Pakhtunkhwa Establishment & Administration Department, Peshawar No.SO(E-I)E&AD/9-363/2011 dated 29.07.2011, I Engr. Sanobar Khan have assumed the charge of the post of Chief Engineer (North), Public Health Engg: Department, Peshawar, this 1st day of August 2011 (forenoon).

(Engr. Sanobar Khan)
Chief Engineer (North)
PHE Department
Peshawar

Endst: No. 10 /E-1/PHE(N)

Dated 01/08/2011

Copy forwarded to the: -

1. Secretary to Governor, Khyber Pakhtunkhwa Province Peshawar
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa Peshawar
3. Secretary to Govt of Khyber Pakhtunkhwa PHE Department Peshawar.
4. Accountant General, Khyber Pakhtunkhwa Peshawar.
5. PS to Chief Secretary, Khyber Pakhtunkhwa Peshawar.
6. PS to Secretary Establishment, E&A Department Peshawar.
7. Manager, Govt Printing Press Peshawar.
8. All SEs/XENs in PHE (North)

(Engr. Sanobar Khan)
Chief Engineer (North)
PHE Department
Peshawar

ATTACHED

~~TESTED~~

Annex-B

Annex Bⁿ



GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the June 23, 2016

(20)

NOTIFICATION

No.SO(ESTT)/PHED/1-6/97/PF: In terms of sub-rule (1) of Rule 20 of the Civil Servants Revised Leave Rules 1981, and instructions there-under issued from time to time, sanction is hereby accorded to the encashment of leave preparatory to retirement, equal to 365-days in favour of Mr. Sanobar Khan (BPS-20), Chief Engineer (South) Public Health Engg: Department Peshawar.

2. In terms of Section-13 of the Khyber Pakhtunkhwa Civil Servants Act 1973, the officer shall stand retired from service on 30-08-2016 (Afternoon) on attaining the age of superannuation. His date of birth according to official record is 31-08-1956.

SECRETARY

Endst No. SO(ESTT)/PHED/1-6/97/PF:

Dated Peshawar, the June 23, 2016

Copy forwarded for information & necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Chief Engineer (South) PHE Khyber Pakhtunkhwa Peshawar.
3. Chief Engineer (North) PHE Khyber Pakhtunkhwa Peshawar.
4. All Superintending Engineers in PHE Department Khyber Pakhtunkhwa.
5. All Executive Engineers in PHE Department Khyber Pakhtunkhwa.
6. Section Officer (E-I), E&A Department Khyber Pakhtunkhwa Peshawar
7. PS to Chief Secretary Khyber Pakhtunkhwa Peshawar
8. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
9. Officer concerned.
10. Office Order / Personal File.

1299
24/6/16

A/o / cashier (local)
for m-a -

W. Makra
(SAJID NAWAZ)
SECTION OFFICER (ESTT)

ATTESTED

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Amex 'C'

(21)

OFFICE OF THE
EXECUTIVE ENGINEER PUBLIC HEALTH
ENGG: DIVISION NOWSHERA.

No 06/W.O DATED 15/06/2012

To: M/S Pervaz Khan & Sons
Govt Contractor

Subject:- STRENGTHENING & CAPSITY BUILDING OF PHE
DERPARTMENT KHYBER PUKHTUN KHAWA ADP
NO.228/100098- 2011-12

Sub-Head Ref: SUPPLY OF DESERT ROOM COOLER
Your tender date. 08/02/2012 & Undertaking date Nil.

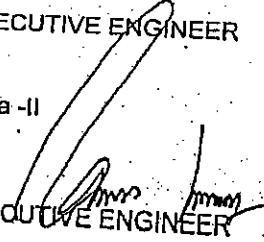
As approved by the Chief Engineer (South) Public Health Engineering Department Khyber Pukhtun Khawa Peshawar vide his letter No.15/G-2/PHE dated 13/06/2012 the lowest/rebated Rate of amounting to to Rs.1,20,000/- (Rupees One Lac Twenty Thousand only) i.e @ Rs. 15,000/- Per No is hereby allotted to you with the time limit up to Three (3) Month from the actual date of commencement of work. The terms and conditions of the work will be as per your tender documents, Contract Agreement and additional clauses.

You are hereby directed to contact this office for having instructions to start the work with in seven (7) days for signing the contract agreement.

Copy forwarded to:-

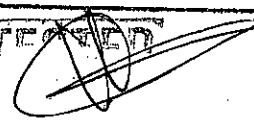
- 1 The Sub-Divisional Officer PHE Nowshera -II
- 2 The Divisional Accounts Officer (Local)
- 3 Contract Agreement.

EXECUTIVE ENGINEER


EXECUTIVE ENGINEER

ATTACHED

ATTACHED



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OFFICE OF THE CHIEF ENGINEER(SOUTH)
PUBLIC HEALTH ENGG:DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR.

No. 14 /G-2 /PHE

Dated Pesh: the 13 /06/2012.

To
The Executive Engineer,
PHE Division Nowshera.

Subject:- ACCEPTANCE OF RATES FOR THE WORK STRENGTHENING & CAPACITY BUILDING OF PHE DEPARTMENT KHYBER PAKHTUNKHWA ADP NO.228/100098 FOR THE YEAR 2011-12 S.H. SUPPLY / FIXING OF SPLIT AIR CONDITIONER ESTIMAED COST RS. 2,00,000/- TIME LIMIT AS PER WORK ORDER.

Reference:- Your letter No.04/G-1, dated 12.06.2012.

As recommended by you, the following lowest / rebated rates offered by M/S Pervaiz Khan & Sons Govt: Contractor amounting to Rs. 2,80,000/- (Rupees Two Lac, Eighty Thousand, only) for the subjected work are hereby approved subject to the terms and conditions as mentioned below:-

Item of Work	Rates
Supply / Fixing of Split Air Conditioners 1.5 Best Quality.	Rs.70,000/- (Rupees Seventy Thousand only) P.No.

Not:- All the items of works mentioned in the above table are in accordance to their schedule item Nos, as quoted in the BOQ/Bid Sheet & Comparative statement.

TERMS & CONDITIONS.

- 1) The Executive Engineer /SDO incharge are responsible for the execution of work according to standard specification of PHE & approved PC-I/CSR 2009 & in accordance with the provision of contract agreement.
- 2) The work may be completed in stipulated period and technical sanction from the competent authority must be obtained before commencement of the work. The work order should only be issued after fulfillment of all codal formalities.
- 3) The contractor may be directed to sign the contract agreement before commencement of the work.
- 4) The execution of work shall be subject to the releases of funds.
- 5) The other terms & conditions as were attached with the relevant Bid Sheet of the Project shall remain fully intact.

The copy of the comparative statement alongwith tender documents for the subject noted works as received are returned herewith in original.

Encl: As above.

CHIEF ENGINEER

Copy to the Superintending Engineer PHE Circle Peshawar for information.

CHIEF ENGINEER

ATTESTED

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23

OFFICE OF THE
EXECUTIVE ENGINEER PUBLIC HEALTH
ENGG: DIVISION NOWSHERA.

To No 04 W.O DATED 15/06/2012

M/S Pervaz Khan & Sons
Govt Contractor

Subject:- STRENGTHENING & CAPSITY BUILDING OF PHE
DERPARTMENT KHYBER PUKHTUN KHAWA ADP
NO.228/100098- 2011-12

Sub-Head SUPPLY OF FAX MACHINE

Ref: Your tender date. 08/02/2012 & Undertaking date Nil.

As approved by the Chief Engineer (South) Public Health Engineering Department Khyber Pukhtun Khawa Peshawar vide his letter No.12/G-2/PHE dated 13/06/2012 the lowest/rebated Rate of amounting to to Rs.9,60,000/- (Rupees Nine Lac Sixty Thousand only) i.e @ Rs. 30,000/- Per No is hereby allotted to you with the time limit up to Three (3) Month from the actual date of commencement of work. The terms and conditions of the work will be as per your tender documents, Contract Agreement and additional clauses.

You are hereby directed to contact this office for having instructions to start the work with in seven (7) days for signing the contract agreement.

Copy forwarded to:-

- 1 The Sub-Divisional Officer PHE Nowshera -II
- 2 The Divisional Accounts Officer (Local)
- 3 Contract Agreement.

EXECUTIVE ENGINEER

EXECUTIVE ENGINEER

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OFFICE OF THE CHIEF ENGINEER(SOUTH)
PUBLIC HEALTH ENGG:DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR.

No. 31 /G-2 /PHE

Dated Pesh: the 24 /02/2012.

To
The Executive Engineer,
PHE Division Nowshera.

Subject:- ACCEPTANCE OF RATES FOR THE WORK ESTABLISHMENT OF TRAINING UNIT STRENGTHENING & CAPACITY BUILDING OF PHE DEPARTMENT KHYBER PAKHTUNKHWA ADP NO.228/100008 FOR THE YEAR 2011-12 S.H.CONSTRUCTION OF COMMITTEE ROOM/ESTABLISHMENT OF TRAINING UNIT AT PHE SECRETARIAT ESTIMATED COST RS. 30,00,000/- TIME LIMIT AS PER WORK ORDER.

Reference:- Your letter No.02/G-1, dated 22.02.2012.

As recommended by you, the following lowest / rebated rates offered by M/S Pervaiz Khan & Sons Govt. Contractor amounting to Rs. 30,36,649/- (Rupees Thirty Lac, Thirty Six Thousand, Six Hundred & Forty Nine only) for the subjected work are hereby approved subject to the terms and conditions as mentioned below:-

Item of Work	Rates
A SCHEDULE ITEMS. 1) All items of Civil & allied work as i/c in the Composite Schedule of Rates (CSR 2009) with approved premium.	29.50% (Twenty Nine Point Fifty Percent) above on CSR 2009.with approved premium.
2) Non-Schedule items	At par with approved estimated rates

Not:- All the items of works mentioned in the above table are in accordance to their schedule item Nos, as quoted in the BOQ/Bid Sheet & Comparative statement.

TERMS & CONDITIONS.

- 1) The Executive Engineer /SDO incharge are responsible for the execution of work according to standard specification of PHE & approved PC-I/CSR 2009 & in accordance with the provision of contract agreement.
- 2) The work may be completed in stipulated period and technical sanction from the competent authority must be obtained before commencement of the work. The work order should only be issued after fulfillment of all codal formalities.
- 3) The contractor may be directed to sign the contract agreement before commencement of the work.
- 4) The execution of work shall be subject to the releases of funds.
- 5) The other terms & conditions as were attached with the relevant Bid Sheet of the Project shall remain fully intact.

The copy of the comparative statement alongwith tender documents for the subject noted works as received are returned herewith in original.

Encl: As above.


CHIEF ENGINEER

Copy to the Superintending Engineer PHE Circle Peshawar for information.

CHIEF ENGINEER



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OFFICE OF THE CHIEF ENGINEER(SOUTH)
PUBLIC HEALTH ENGG:DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR.

No. 26 / G-2 / PHE
Dated Pesh: the 13 / 06 / 2012.

To

The Executive Engineer,
Public Health Engg: Division,
Nowshera.

Subject:- ENHANCEMENT OF CONTRACT AGREEMENT
STRENGTHENING & CAPACITY BUILDING OF PHE
DEPARTMENT KHYBER PAKHTUNKHWA A.D.P. NO.228/100098 -
2011-12 H.HEAD: CONSTRUCTION OF COMMITTEE ROOM /
ESTABLISHMENT OF TRAINING UNIT AT PHE SECRETARIAT
ESTIMATED COST RS.30,00,000/-

Reference:- Your letter No.01/G-1, dated 12.06.2012.

As recommended by you vide your letter under reference, sanction to the enhancement of the cost of Work "Strengthening & Capacity Building of PHE Department Khyber Pakhtunkhwa A.D.P. No.228/100098 - 2011-12 S.Head: Construction of Committee Room / Establishment of Training Unit at PHE Secretariat" under Contract Agreement No.90/G-1/2012 executed with M/S Pervaz Khan & Sons Govt: Contractor from Rs.30,36,649/- to Rs.65,77,000/- is hereby accorded under Para 21.3 of the Revised Delegation of Powers of Re-Appropriation Rules 2001 subject to the fulfillment of all codal formalities and financial regularities.

The Earnest Money / Stamp duty may also be recovered form the concerned contractor on the enhanced amount and remitted to Government Revenue.

The agreement is returned in original.

Encl: As above.

CHIEF ENGINEER

Copy to the Superintending Engineer PHE Circle Peshawar for information
w/r to above.

CHIEF ENGINEER

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OFFICE OF THE CHIEF ENGINEER(SOUTH)
PUBLIC HEALTH ENGG. DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR.

No. 02/12-PHE

Dated Peshawar the 22 /06/2012.

To
The Executive Engineer,
Public Health Enng. Division,
Nowshera.

Subject:- TECHNICAL SANCTION.

In exercise of power conferred upon the undersigned vide S.No.21.1. under the Govt. Khyber Pakhtunkhwa, Finance Department delegation of power under the financial rules and power re-appropriation rules 2001, Technical Sanction is hereby accorded to the works and amount as noted below:-

ADP No.	Name of Work	A.A Cost	T.S. Amount
242/100098 (2011-12)	Strengthening & Capacity Building of PHED.	Rs96,400 (M) 02.02.2011	Rs. 89,498 (M) (Rupees Eighty Nii Million, Four Hundred Ninety Eight Thousar only)

The expenditure involved is chargeable to the Relevant Budget Head. It may be ensured that the expenditure does not exceed the amount over and above the administratively approved cost.

You as well as Sub Divisional Officer, PHE shall be responsible for responsibility /authenticity of rates and execution of work according to approved scope/specification provided therein the estimate.

One copy of the technical sanctioned estimate is returned herewith for further necessary action and record.

Encl: As above.

Copy to the:-

- 1) Superintending Engineer PHE Circle Peshawar for information.
- 2) District Accounts Officer Nowshera.
- 3) Chief Draftsman (Local) alongwith a copy T.S estimate for record.

/
CHIEF ENGINEER

~~RAJ~~
CHIEF ENGINEER

~~ATTESTED~~

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General Abstract of Cost

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Name of Work: Strengthening & Capacity Building of Public Health Engineering Department Khyber Pakhtunkhwa

S.No	Description	Total Cost in Million
1	Vehicles	55.749
2	Computers / MIS including Surey Equipment	21.480 21.453
3	Rent / Utilities / POL	0.000
4	Furniture & Fixture	3.830 3.508
5	Training Unit at PHED; Secretariate	8.439 8.708
Total		89.498

A.A. 2017 T/S cost Summary
 96.407 (M) - 89.498 (M) 6.909 (M) or 7.16% balance over
 11.01.2018

[Handwritten Signature]
 S/S. *[Handwritten Signature]*
 Superintending Engineer
 Public Health Engineering Circle
 Peshawar

XDR PHED
 NOWSHEERA

Technically sanctioned for Rs 89.498 millions
 (Rupees Eighty nine million, four hundred & ninety eight thousand only)

~~CHIEF ENGINEER (South)
 Public Health Engineering Department
 Khyber Pakhtunkhwa Peshawar.~~

~~ATTESTED~~

~~ATTESTED~~

Name of Work:

Strengthening & Capacity Building of Public Health Engineering Department, Khyber

Pakhtunkhwa

Abstract of Cost: (Vehicles)

S.No	Description	Quantity (No)	Rate (M)	Total Cost (M)	Remarks
1	Toyota Hilux Double Cabin Pick Up 4 x 4 (Right Hand Drive)	12	2504000 36048000	30048000 360576000	
2	Toyota Hilux Single Cabin Pick Up 4 x 2 (Right Hand Drive)	15	1544000 23168000	23160000 347400000	
3	Toyota Corolla 1300 CC Xli (Right Hand Drive)	1	1394000	1394000	
4	Registration Fee		Lump Sump	1121913	
5	Transportation Charges		Lump Sump	25000	
Total (Milion)				55.749	

Sub:
Public Health

Superintending Engineer
Public Health Engineering Circle
Peshawar

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Name of Work:


Strengthening & Capacity Building of Public Health Engineering

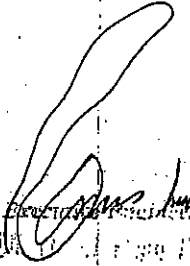
Department Khyber Pakhtunkhwa

Abstract of Cost (Computer / Survey & Drawing Equipments)

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27

S.No	Description	Total Cost in Million
1	Computers /MIS including Surey Equipment	19.833 14.86-
2	Survey & Drawings Equipments	6.620136
Total		21.453 21.48-


Sub-Officer
Public Health Division


Director
Public Health

~~ATTACHED~~

~~ATTACHED~~

Name of Work:

Strengthening & Capacity Building of Public Health Engineering Department

Khyber

Pakhtunkhwa

Sub Head:

Computer's Detail

S.No.	Description	Minimum Requirement	Qty	Rate (RS)	Total Cost
1	Computers Branded HP	Processor Intel Core i5 latest, HDD 500 Gb 7200 rpm, Memory 4 Gb RAM, DVD RW, 4 USB ports, 19" LCD, Multimedia Keyboard, Optical Mouse and Speakers	62	114500	7099000
2	S/I of Laser Printer	HP 2035 Laser Printer	62	42800	2653600
3	S/I of Stabilizer	PUMA (100 Watt)	62	10400	644800
4	S/I of UPS	2 KVA with Batteries	62	45000	2790000
5	Laptop	HP/ Compaq Intel 2.5 Ghz 2 GB RAM, DVDRW, 500 GB with License Windows & Office 2007	4	74000	296000
6	S/I of Multimedia	25000/3000 lumes with stand etc complete in all respect	1	350000	350000
7	S/I of Server	Quad Core 2.4 Ghz 64 bit complete in all respect	1	400000	400000
8	Computerization	Computerization for revenue record	1	25000 629000	25000 629000
Total					14862400
Total in Million					14.8624

14.8624

ATTESTED

ATTESTED

Name of Work:

Strengthening & Capacity Building of Public Health Engineering Department

Khyber Pakhtunkhwa

Sub Head:

Drawing Instruments

S.No	Description	Quantity	Unit	Rate (RS)	Total Cost
1	Plain Table	24	P. No	4300	103200
2	Total Station	24	P. No	231000	5544000
3	Survey Staff	24	P. No	2150	51600
4	Survey Tripod	24	P. No	3400	81600
5	Compass	24	P. No	605	14520
6	Spirit level	24	P. No	270	6480
7	Errow	24	P. No	300	7200
8	Plumb Bob	24	P. No	245	5880
9	Ranging Rod	24	P. No	490	11760
10	Survey Chain	24	P. No	1580	37920
11	Allidad	24	P. No	1180	28320
12	Set Square	24	P. No	125	3000
13	GPS Device	24	P. No	14600	350400
Total					6245880
Total in Million					6.24588

SUMMARY COST

1. SURVEY Instn Rs. 6.24588 mn
 2. Drawing Instn Rs. 0.374256 mn
- TOTAL Rs. 6.620136 mn

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Name of Work:

Strengthening & Capacity Building of Public Health Engineering

Department Khyber Pakhtunkhwa

Sub Head:

Drawing Instruments

S.No	Description	Quantity	Unit	Rate (RS)	Total Cost
1	Stapler Machine	34	P. No	2050	69700
2	Stapler Machine	34	P. No	250	8500
3	Stapler Pen	136	P. No	90	12240
4	Stapler Pen	136	P. No	28	3808
5	Set Square	34	P. No	138	4692
6	Paper Cutter	34	P. No	103	3502
7	Correction Pen	68	P. No	58	3944
8	Marker Set	68	P. No	55	3740
9	Paper Pen	68	P. No	30	2040
10	Butterfly paper	136	P. No	310	42160
11	Masking Tape 2" Size	136	P. No	108	14688
12	Magifier	34	P. No	350	11900
13	Stapler Pen	68	P. No	33	2244
14	Stapler Machine	68	P. No	545	37060
15	Rubber	1224	P. No	12	14688
16	Piano Ball Point	102	P. No	45	4590
17	Calculator	68	P. No	795	54060
18	File Cover	216	P. No	10	2160
19	Parlour Ruler 12"	68	P. No	1155	78540
Total					374256
Total in Million					0.374256

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Name of Work:

Strengthening & Capacity Building of Public Health
Engineering Department Khyber Pakhtunkhwa

Abstract of Cost (Computer / Survey & Drawing Equipments)

S.No	Description	Total Cost in Million
1	Furniture	1.184
2	Fixtures	2.646 2.324
Total		3.830 3.830

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Name of Work:

Strengthening & Capacity Building of Public Health Engineering
Department Khyber Pakhtunkhwa

Sub Head:

Furniture Details

S.No	Description	Quantity	Unit	Rate (RS)	Total Cost
1	Executive Table	2	P. No	22500	45000
2	Executive Table	2	P. No	16500	33000
3	Office Table HMF	8	P. No	15236	121888
4	Office Table HMF	16	P. No	14755	236080
5	Office Table HMF	8	P. No	12665	101320
6	Office Table HMF	18	P. No	5950	107100
7	Computer Table HMF	2	P. No	7743	15486
8	Revolving Chairs	6	P. No	13409	80454
9	Revolving Chairs	24	P. No	6816	163584
10	Office Chairs	64	P. No	2193	140352
11	Side Rack	2	P. No	4851	9702
12	Side Rack	6	P. No	3324	19944
13	Office Chairs (Steel)	12	P. No	1861	22332
Total					1096242
Add Sales tax 8%					87699.36
Total in Million					1.18394136

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Name of Work:

Strengthening & Capacity Building of Public Health
Engineering Department, Khyber Pakhtunkhwa

Sub Head:

Furniture Details

S.No	Description	Qunatity	Unit	Rate (RS)	Total Cost
1	Photocopier Canon	2	P. No	300000	600000
2	Refregirator Dawlance	3	P. No	26000	78000
3	Steel Almirahs	21	P. No	12000	252000
4	Split Air Conditoner	34	P. No	70000	280000 210000
5	Microwave Oven	3	P. No	6200	18600
6	Desert Room Cooler Local Made	12	P. No	15000	180000
7	Water Dispensar & Cooler	6	P. No	22000	132000 ✓
8	Laser Fax Machine	35	P. No	30000	1050000 ✓
9	Digital Cameras	3	P.No	18433	55300
Total					2323900 2645899-99
Total in Million					2324000 2.64589999

2.324

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Name of Work: Strengthening & Capacity Building of Public Health Engineering
Department Khyber Pakhtunkhwa

Abstract of Cost (Traning Unit)

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S.No	Description	Total Cost in Million
1	Traning Unit	3.037 3.285 ✓
2	Renovation/Rehabilitation of PHE Secretariate	3.373 3.250 ✓
2	Tranings	2.000 2.211
Total		8.409 8.788


Public Health Engineering
Division-II



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Name of Work:

Strengthening & Capacity Building of Public Health Engineering
Department Khyber Pakhtunkhwa

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Abstract of Cost (Traning Unit)

S.No.	Description	Estimated Cost (Rs.)
1	Civil Work	1,272,349
2	Conference System/ Networking	1,260,220 1,239,400
3	Furniture / Furnishing	524,900 776,900
Total		3,066,469 3,288,649
Total (Million)		3.066 3.288

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Civil Work

S. No.	Description	Sch: CSR-2009	Qty:	Unit	Rate	Amount (Rs.)
1	S&F aluminium door/window, premium 4" sect. sliding window	12-53-d-01	11.71	M2	4351.17	50,952
2	S&F aluminium door/window, other items; Fly screen shutter for Premium model	12-53-e-02	5.018	M2	2774.79	13,924
3	P/F Granitto floor Tiles (Emco, National or eq) size 24"x24"	10-48-c	56	M2	2151.63	120,491
4	S&F of dewdar wood rail bourder 7-1/2" wide i/c Ornaental golla/beading on top & bottom complete as specified.	N.S.I	102	Rft	450	45,900
5	S&F of Brazillian wood Ornaental comic beading of 1.25"x1.25" i/c cost of moulding etc complete as specified.	N.S.I	69	Rft	95	6,555
6	S/F of Hydraulic Door Close (Best Quality)	N.S.I	3	Each	2250	6,750
7	S&F of teak wood brazilian paneled door shutter of approved quality & design 1-1/2" thick	N.S.I	65	Sft	1850	120,250
8	S&F of Glazed tiles having size 8"x12" of approved colour & design 1/2" thick plaster in (1:2)	N.S.I	616	Sft	200	123,200
9	S&F of Glazed wall border 2"-3" wide and 12" long	NSI	34	Each	450	15,300
10	Scrapping: Ordinary Distemper, Oil Bound Distemper or paint off wall	N.S.I	918	Sft	22	20,196
11	Prepare surface using wall patty ICI paint etc of approved quality	N.S.I	918	M1	12	11,016
12	Prepare surface & applying of 3 coats of approved type of plastic emulsion paint etc: complete	13.30 - a+ b	85.31	M2	121.6	10,374
13	Prepare surface & applying lacquer polish to wooden surface complete in all respect	N.S.I	154	Sft	91	14,014
14	S/F of imported door lock	N.S.I	3	Each	3000	9,000
15	S/F of Tower Brass 10" Long	N.S.I	3	Each	700	2,100
16	S/F of Vertical Blind Curtain	N.S.I	126	Sft	250	31,500

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17	Wiring of light/fan/call-bell point in 3/0.029 PVC insulated bare cable in PVC pipe recessed	15-50	21	Each	867.02	18,207
18	S/F of 2/3 pin 5 Amp plug point in 3/29 PVC insulated bare cable in PVC pipe recessed	15-51	10	Each	432.75	4,328
19	S/F of Energy Saver bulb 25-25 Watt	N.S.I	4	Each	305	1,220
20	S/F of fancy bracket 2 long 3 No holder of approved quality	N.S.I	1	Each	3000	3,000
21	S&F of electric AC exhaust/fresh air circulation (double way) 220/230 single phase plastic frame body and blade complete 12"x12"	15-77-c	1	Each	5196.62	5,197
22	P&F of 1.5 ton split type Air conditioners (Dawalance or equivalent) i/c frame for out door unit complete in all respect.	N.S.I	2	Each	69000	138,000
23	Providing & fixing of 2' x 2' i/c tube light complete with 23 watt energy saver bulbs etc: complete.	N.S.I	14	Each	4800	67,200
24	Providing & fixing of Telephone wire	N.S.I	320	Rft	8	2,560
25	S/F of Dimmer Switch for ceiling fan	15-80	3	Each	122	366
26	S/F of Asia Porcelain Power Plug 30 Amp	N.S.I	4	Each	1036	4,144
27	Wiring of main & sub main in 2 single core PVC insulated cable	15-47-c	19	M	342.48	6,507
28	S/F of 3 pin switch & plug combined recessed type 5 Amp	15-20-a	5	Each	159.93	800
29	Providing & fixing ceiling fan 56" sweep (Lahore Fan) premium model	N.S.I	3	Each	4500	13,500
30	Providing & making of bath vanity having size 4'x2' i/c cost of marble (Verona crystal), slab, RCC bars, slab, Oval shap ceramic bowel, heavy duty mixer, chrome finish (Master), chrome finish bottle trap and 2 Nos. tee stop cock (Master) etc complete in all respect.	N.S.I	1	Job	22500	22,500
31	Providing & fixing of bavel edge looking glass imported having size 4'x2.5' i/c cost of fixing material.	N.S.I	1	Each	4900	4,900
32	P&F CP Toilet, paper holder	14-15	1	Each	295.48	295
33	P&F CP Mixing Valve 1/2"	N.S.I	1	Each	6240	6,240

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34	P&F CP Towel rail: 24" long, 3/4" dia	14-16-a	1	Each	403.77	404
35	P&F CP tee stop cock heavy type: 1/2"	14-25	3	Each	343.27	1,030
36	P&F CP diuble angle cock 1/2"	N.S.I	1	Each	750	750
37	P&F CP Soap Dish	14-13	2	Each	395.3	791
38	S/F of Muslim shower (Master) with double cock complete in all respect.	N.S.I	1	Each	100	100
	S/f of lavotary set (IFO) consisting WC European type with seat , 2.5 Gallons capacity low level cistern of approved color and quality	N.S.I	1	Each	25500	25,500
39	Supply & fixing of Sui Gas Room Heater Nas Gas	N.S.I	2	Each	13500	27,000
40	S/F accoustic miller fibre tile ceiling fixed with aluminium tee hung by GI wire fixed in roof.	12-40	59.85	M2	3191.48	191,010
					29,50 (72) TOTAL Rs.	1,147,070
					Add 20% Premium (on Rs.424675-)	125,279
					TOTAL Rs.	1,272,349

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CONFERENCE SYSTEM

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S. No.	Description	Sch: CSR-2009	Qty:	Unit	Rate	Amount (Rs.)
1	Supply & installation of Conference System BOSCH CCS 800 ULTRO System					
a	Central Amplifier Control Unit BOSCH CCS-CU for CS 800 Ultra	N.S.I	1	Each	221500	221,500
b	Chairman unit BOSCH LBB 3331 CCS (3331/50 long neck model) with all necessary control	N.S.I	1	Each	75700	75,700
c	Delegate station BOSCH LLB 3330 CSS (3330/50 long neck model)	N.S.I	12	Each	60600	727,200
2	Networking					
a	S/F Wireless D-Link Router	N.S.I	3	Each	25000	75,000
b	S/F Wireless D-Link USB Dongel	N.S.I	25	Each	2400	60,000
c	Installation of Fire wall Software	N.S.I	1	Job	15000	15,000
d	Network Configuration/Installation	N.S.I	1	Job	15000	15,000
e	Multimedia with all accessories	N.S.I	1	Each	50000	50,000
TOTAL Rs.						1,239,400

FURNITURE / FURNISHING

S. No.	Description	Sch: CSR-2009	Qty:	Unit	Rate	Amount (Rs.)
1	Supply of conference table size 22'x6'x2'-6" with 40 chairs (Executive Chair + 39 r chairs with out arm) finishing with best quality lacquer polished.	N.S.I	1	Job	520000	520,000
2	S/F of wall clock of approved make and quality	N.S.I	2	Each	1200	2,400
3	S/F of Quaid-e-Azam portriate	N.S.I	1	Each	2500	2,500
4	Steel Almirahs	No	21	Each	12000	252,000
TOTAL Rs.						776,900

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RENOVATION IN PHE SECRETARIAT

(ABSTRACT OF COST)

S.No	Description	CSR Item	Unit	Quantity	Rate	Amount
CIVIL WORK						
1	Granite tile floor 1/4" thick laid in csm (1:2) or 3/4" thick in csm (1:2) (imported tile use) 24"x 24"	10-48-c	M ²	752.60	2151.63	1,632,227
2	P/L Emulsion painting on wall 2 coats on old surface	13-30-a+b	M ²	1342.52	121.60	163,290
3	Painting on old surface 2 coats to door/ windows.	13-05-c	M ²	200.74	107.41	21,562
4	French polishing to wooden works old surface	13-08-b	M ²	170.63	209.90	35,816
5	P/L Glazed border 2"-3" wide complete as spfd	N51	Nos	413.00	550.00	227,150
	P/L Marble Fine Dressed Stone 4-5 feet and 12" wide 1" thick for stairs steps	10-26-d		41.65	1420.98	59,190
	Pacca Brickwork In 1:5 CSM as in Kitchen Wall	07-05-a-05		4.46	3721.99	16,604
	S/F of MS pannelled Door with forged Chokot	12-47		1.63	4316.00	7,020
	P/F Pre cast Slab for Shelf	09-45		0.74	1684.93	1,253
	P/F of 1/4" Glazed Tile in Bath Room & Lavatory hall	10-45		87.83	789.20	69,312
Water Supply & Sanitary Installation						2,233,382
1	S/I WHB with Pedestal	14.05-a-01	Nos	5.00	1611.00	8,055
2	S/I low Level Flash Tank	14-10-a	Nos	5.00	1484.00	7,420
3	S/F 1/2" Bib Cock	14-24-b	Nos	20.00	343.27	6,865
4	S/F of 1/2" Stop Cock	14-25	Nos	20.00	343.27	6,865
5	S/f of looking Mirror (best Quality)	14-17	M	5.00	645.00	3,225
6	S/F of 1" i/d GI pipe with specials	14-55-d	M	30.00	261.40	7,842
7	S/F of 3/4" i/d GI pipe with specials	14-55-e	M	15.00	203.20	3,048
8	S/F of 1/2" i/d GI pipe with specials	14-55-e	M	15.00	153.98	2,310
Electrification						45,631
1	S/E factory fabricated Steel Mainboard Open Type	15-75-a	Nos	12.00	9821.50	117,858
2	S/E of 100 Amp Auto Transpower Main Switch 500 Volt	15-70-c	Nos	20.00	5724.77	114,495
3	S/E Single Phase Auto Circuit Breaker 20 Amp	15-71-c	Nos	90.00	588.67	52,980
4	S/E of Flourscent Tube Light 4; Rod 1 Choke & 1 Starter	15-61-a	Nos	40.00	784.90	31,396
5	S/f of Exhaust Fan 12" fan	15-69-a	Nos	6.00	1571.40	9,428
						326,158
Add 29.5% (Rs. 682743.479) on Schedule Items l-e Rs 2533058						2,605,170
Total						3,287,914
						3,288

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242 (2010-11)
Detail Estimate

S.No	Description	No	Length (Ft)	Width (Ft)	Depth (Ft)	Qty	
						(FPS)	(MKS)
1	Granite tiles floor 1/4" thick laid in csm (1:2) or 3/4" thick in csm (1:2) (imported tile use) 16"x16"						
Ground floor							
	Irfan Sb	1 x 1	16.00	10.75		172.00	15.99
		1 x 2	16.00	0.50		16.00	1.49
		1 x 2	10.75	0.50		10.75	1.00
	Ishrat Sb	1 x 1	16.00	10.75		172.00	15.99
		1 x 2	16.00	0.50		16.00	1.49
		1 x 2	10.75	0.50		10.75	1.00
	Sanaber Sb	1 x 1	16.00	10.25		164.00	15.24
		1 x 2	16.00	0.50		16.00	1.49
		1 x 2	10.25	0.50		10.25	0.95
	Yunus Sb	1 x 1	16.00	10.25		164.00	15.24
		1 x 2	16.00	0.50		16.00	1.49
		1 x 2	10.25	0.50		10.25	0.95
	Behramand	1 x 1	16.00	10.25		164.00	15.24
		1 x 2	16.00	0.50		16.00	1.49
		1 x 2	10.00	0.50		10.00	0.93
	Saifurehman Sb	1 x 1	16.00	10.25		164.00	15.24
		1 x 2	16.00	0.50		16.00	1.49
		1 x 2	10.25	0.50		10.25	0.95
	Sami Sb	1 x 1	16.00	16.00		256.00	23.79
		1 x 4	16.00	0.50		32.00	2.97
	Dispatch Section	1 x 1	10.00	8.50		85.00	7.90
		1 x 2	10.00	0.50		10.00	0.93
		1 x 2	8.50	0.50		8.50	0.79
	PA Dpm	1 x 1	10.00	8.00		80.00	7.43
		1 x 2	10.00	0.50		10.00	0.93
		1 x 2	8.00	0.50		8.00	0.74
First Floor							
		1 x 1	16.00	10.75		172.00	15.99
		1 x 2	16.00	0.50		16.00	1.49
		1 x 1	16.00	10.75		172.00	15.99
		1 x 2	16.00	0.50		16.00	1.49
		1 x 1	16.00	10.75		172.00	15.99
		1 x 2	16.00	0.50		16.00	1.49
		1 x 1	16.00	10.75		172.00	15.99
		1 x 2	16.00	0.50		16.00	1.49
		1 x 2	10.75	0.50		10.75	1.00
		1 x 1	16.00	10.00		160.00	14.87
		1 x 2	16.00	0.50		16.00	1.49
		1 x 2	10.00	0.50		10.00	0.93
		1 x 1	12.00	9.50		114.00	10.59
		1 x 1	6.00	6.50		39.00	3.62
		1 x 2	12.00	0.50		12.00	1.12
		1 x 2	9.50	0.50		9.50	0.88
		1 x 1	16.00	12.00		192.00	17.84
		1 x 2	16.00	0.50		16.00	1.49
		1 x 2	12.00	0.50		12.00	1.12
		1 x 1	16.00	11.00		176.00	16.36
		1 x 2	16.00	0.50		16.00	1.49
		1 x 2	11.00	0.50		11.00	1.02
		1 x 1	16.00	12.00		192.00	17.84
		1 x 2	16.00	0.50		16.00	1.49
		1 x 2	12.00	0.50		12.00	1.12
iii	third floor	1 x 1	16.00	11.00		176.00	16.36
		1 x 2	16.00	0.50		16.00	1.49
		1 x 2	11.00	0.50		11.00	1.02
		1 x 1	23.00	16.00		368.00	34.20

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		1	x	2	16.00	0.50	16.00	1.49
		1	x	1	17.00	16.00	272.00	25.28
		1	x	2	17.00	0.50	17.00	1.58
		1	x	2	16.00	0.50	16.00	1.49
		1	x	1	16.00	11.50	184.00	17.10
		1	x	2	16.00	0.50	16.00	1.49
		1	x	2	11.50	0.50	11.50	1.07
		1	x	1	16.00	12.00	192.00	17.84
		1	x	2	16.00	0.50	16.00	1.49
		1	x	2	12.00	0.50	12.00	1.12
		1	x	6	4.00	1.25	30.00	2.79
		1	x	6	4.00	1.25	30.00	2.79
		1	x	5	4.00	1.25	25.00	2.32
	Corridor	1	x	3	65.00	7.00	1365.00	126.86
		1	x	6	65.00	4.00	1560.00	144.98
iv	Entrance	1	x	1	26.00	12.00	312.00	29.00
		1		1	15.00	5.00	80.00	7.43
v	Lannding	2	x	1	13.00	7.00	182.00	16.91
		2	x	1	9.00	5.00	90.00	8.36
	total						8594.50	798.75
	deduction of door	1	x	27	4.00	4.00	432.00	40.15
	net total						8162.50	758.60
2.	P/L Emulsion painting on wall 2 coats on old surface							
		1	x	1	16.00	10.75	172.00	15.99
		1	x	2	16.00	11.00	352.00	32.71
		1	x	2	10.75	11.00	236.50	21.98
		1	x	1	16.00	10.00	160.00	14.87
		1	x	2	16.00	11.00	352.00	32.71
		1	x	2	10.00	11.00	220.00	20.45
		1	x	1	16.00	10.25	164.00	15.24
		1	x	2	16.00	11.00	352.00	32.71
		1	x	2	10.25	11.00	225.50	20.96
		1	x	1	16.00	16.00	256.00	23.79
		1	x	4	16.00	11.00	704.00	65.43
		1	x	1	10.00	8.50	85.00	7.90
		1	x	2	10.00	11.00	220.00	20.45
		1	x	2	8.50	11.00	187.00	17.38
		1	x	1	10.00	16.00	160.00	14.87
		1	x	2	10.00	11.00	220.00	20.45
		1	x	2	16.00	10.50	336.00	31.23
		1	x	1	16.00	12.00	192.00	17.84
		1	x	2	10.00	11.00	220.00	20.45
		1	x	2	16.00	11.00	352.00	32.71
		1	x	1	16.00	10.75	172.00	15.99
		1	x	2	16.00	11.00	352.00	32.71
		1	x	2	10.75	11.00	236.50	21.98
		1	x	1	16.00	10.00	160.00	14.87
		1	x	2	16.00	11.00	352.00	32.71
		1	x	2	10.00	11.00	220.00	20.45
		1	x	1	12.00	9.50	114.00	10.59
		1	x	1	6.00	6.50	39.00	3.62
		2	x	2	12.00	11.00	264.00	24.54
		1	x	2	9.50	11.00	209.00	19.42
		1	x	1	16.00	12.00	192.00	17.84
		1	x	2	16.00	11.00	352.00	32.71
		1	x	2	12.00	11.00	264.00	24.54
		1	x	1	16.00	11.00	176.00	16.36
		1	x	2	16.00	11.00	352.00	32.71
		1	x	2	11.00	11.00	242.00	22.49
		1	x	1	16.00	12.00	192.00	17.84
		1	x	2	16.00	11.00	352.00	32.71
		1	x	2	12.00	11.00	264.00	24.54

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		1	x	2	16.00	11.00		352.00	32.71
		1	x	2	11.00	11.00		242.00	22.49
		1	x	2	23.00	16.00		368.00	34.20
		1	x	2	23.00	11.00		506.00	47.03
		1	x	2	16.00	11.00		352.00	32.71
		1	x	1	17.00	16.00		272.00	25.28
		1	x	2	17.00	11.00		374.00	34.76
		1	x	2	16.00	11.00		352.00	32.71
		1	x	1	16.00	11.50		184.00	17.10
		1	x	2	16.00	11.00		352.00	32.71
		1	x	2	11.50	11.00		253.00	23.51
		1	x	1	16.00	12.00		192.00	17.84
		1	x	2	16.00	11.00		352.00	32.71
		1	x	2	12.00	11.00		264.00	24.54
		1	x	6	4.00	1.25		30.00	2.79
		1	x	6	4.00	1.25		30.00	2.79
		1	x	5	4.00	1.25		25.00	2.32
		1	x	3	65.00	7.00		1365.00	126.86
		1	x	6	65.00	7.00		2730.00	253.72
	Total							18441.50	1713.89
	Deductions								
	Doors	27	x	2	4.00	8.50		1836.00	170.63
	Windows	30	x	2	6.00	6.00		2160.00	200.74
	Total deductions							3996.00	371.38
	Net total							14445.50	1342.52
Painting on old surface 2 coats to door/ windows									
3	Windows	30	x	2	6.00	6.00		2160.00	200.74
	Total							2160.00	200.74
									13-05-c
French polishing to wooden works old surface									
4	doors	27	x	2	4.00	8.50		1836.00	170.63
	Total							1836.00	170.63
									13-08-b
P/L Glazed border 2"-3" wide complete as spfd									
5	G/Floor							136.00	95.00
	first floor						No's	135.00	95.00
	second floor							142.00	95.00
	Total							413.00	285.00
P/L Marble Fine Dressed Stone 4-5 feet and 12" wide 1" thick for stairs steps									
	Tread	3	x	18	1.08	5.00		291.60	27.10
	Riser	3	x	18	0.58	5.00		156.60	14.55
	Total							448.20	41.65
Pacca Brickwork In 2:5 CSM as In Kitchen Wall									
1	Kitchen Wall	1	x	1	7.00	0.75	8.00	42.00	3.90
2	Shelf Supports	1	x	2	2.00	0.75	2.00	6.00	0.56
	Total							48.00	4.46
S/f of MS pannelled Door with forged Chokat									
		1	x	1	2.50	7.00		17.50	1.63
	P/F Pre cast Slab for Shelf								
		1	x	1	4.00	2.00		8.00	0.74
P/F of 1/4" Glazed Tile in Bath Room & Lavotary hall									
		2	x	2	5.00	5.00		100.00	9.29
		2	x	4	5.00	8.00		320.00	29.74
		1	x	1	10.00	5.00		50.00	4.65
		1	x	2	10.00	8.00		160.00	14.87
		1	x	2	5.00	8.00		80.00	7.43
		1	x	1	7.00	5.00		35.00	3.25
		1	x	2	7.00	8.00		112.00	10.41
		1	x	2	5.00	8.00		80.00	7.43
	Total							945.00	87.83

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Name of Work:

Strengthening & Capacity Building of Public Health Engineering Department (Khyber

Pakhtunkhwa

Detail of Trainings

S.No	Description	CSR Item	Unit	Quantity	Rate	Amount
1	Purchase of Furniture & other Equipment					
i	White Boards	NA	No	2	3000	6000
ii	Stationary	NA	No	(As per Detail		50000
iii	Flip Board with Stand	NA	No	4	4000	16000
iv	Crockery	NA	No	(As per Detail attached)		18000
Sub Total						90000
In-House Trainings						
Proposed Trainings for Sub Engineer/Drawing Establishment/ Office Establishment etc						
Trainer's Fee for total working hours i-e 247 hours						
i	Trainer within Department	NA	Day	120.00	1000.00	120,000
ii	Trainer outside Department	NA	Day	120.00	2000.00	240,000
iii	Refreshment charges for Trainees	NA	Day	120.00	1000.00	120,000
Sub Total						480,000
Proposed Courses for SDO's/ Xen's						
Trainer's Fee for total working hours i-e 247 hours						
i	Trainer within Department	NA	Day	100.00	1000.00	100,000
ii	Trainer outside Department	NA	Day	100.00	2000.00	200,000
iii	Refreshment charges for Trainees	NA	Day	100.00	1000.00	100,000
Sub Total						400,000
Total In House Trainings						880,000
Out-House Trainings						
Proposed Trainings at UET, PARD, IMScieces for Engineers						
i	Training @ UET, Peshawar	NA	Per Person	60.00	8700.00	522,000
ii	Training @ PARD/Imsciences	NA	Per Person	60.00	12000.00	720,000
Total Out-House Trainings						1,242,000
Total						2,211,000

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OFFICE OF THE
EXECUTIVE ENGINEER PUBLIC HEALTH ENGG
DIVISION NOWSHERA.

No. 04/W/O DATED 25/02/2012

To

M/S Pervaz Khan & Sons
Govt Contractor

Subject:-

STRENGTHENING & CAPSITY BUILDING OF PHE DEPARTMENT
KHYBER PUKHTUN KHAWA ADP NO.228/100Q98- 2011-12

Sub-Head

CONSTRUCTION OF COMMITTEE ROOM /ESTABLISHMENT OF TRIANING
UNIT AT PHE SECRETARIAT ESTIMATED COST RS.30,00,000/-

Ref:

Your tender date 06/02/2012 & Underlaking date Nil

As approved by the Chief Engineer (South) Public Health Engineering Department Khyber Pukhtun Khawa Peshawar vide his letter No.31/G-2/PHE dated 24/02/2012 the lowest/rebated Rate of amounting to Rs.30, 36,649/- (Rupees Thirty Lac d Thirty Six Thousand six Hundred and Forty Nine only) being lowest amongst the other, and the work is hereby allotted to you with time limit (6) Six Month from the actual date of commencement of work. The terms & condition of work will be as per your tender documents and contract agreement

You are hereby directed to contact the Sub Divisional Officer Public Health Engineering Sub Division Nowshera- II for having the instruction to start the work within a week time and also attend this office immediately for signing the contract Agreement

S.No	Item of Work	Rate
1	<u>SCHEDULE ITEMS</u> All items of Civil Work & Allied as I/C in the composite Schedule of rates Rates CSR 2009 with approved premium;	29.50% (Twenty Nine Point Fifty Percent) Above on CSR 2009 with approved premium
2	(B) <u>NON-SCHEDULE ITEMS</u>	AT PAR with approved estimated rates

Note :- All the items of works mentioned in the above table are in accordance, to their schedule item Nos, as quoted in the BOQ/Bid Sheet & Comparative Statement

TERMS & CONDITION

1. The execution of work will be according to the standard specification of PHE & approved PC-1 according with the provision of contract agreement.
2. The execution of work shall be subject to the release of funds.
3. All Govt Taxes should be deducted as per Govt Rules.

Copy forwarded to:-

EXECUTIVE ENGINEER.

1. The Chief Engineer (South) Public Health Engineering Department Khyber Pukhtun Khawa Peshawar vide his letter No.31/G-2/PHE dated 24/02/2012
2. The Sub Divisional Officer Public Health Engineering-Division Nowshera-II he is directed to (i) The work may be completed in stipulated period.(ii) The contractor may be directed to sign the contract agreement before commencement of the work
3. The Divisional Accounts Officer (Local)
4. Contract Agreement

[Signature]
EXECUTIVE ENGINEER

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BID SHEET

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Name of Work:

Establishment of Training Unit

Approved Cost = 3 Million

Strengthening & Capacity Building of
PHE Department, Khyber Pakhtunkhwa
ADP No. 228/100000

Earnest Money = 60,012.00
Time Limit = As per Work Order

Under:

Construction of Comptroller
Room/Establishment of Training Unit at
PHE Secretariat

Sub Head:
Civil Work

S. No.	Description	Sch: CSR-2009	Qty:	Unit	Rate	Amount (Rs.)
1	S&F aluminium door/window, premium 4" sect. sliding window	12-53-d-01	11.71	M2	4351.17	50,952 ✓
2	S&F aluminium door/window, other items: Fly screen shutter for Premium model	12-53-c-02	5.010	M2	2774.79	13,924 ✓
3	P/F Granito floor Tiles (Emco National or eq) size 34"x24"	10-10-c	56	M2	2151.63	120,401 ✓
4	S&F of dewdar wood rail border 7-1/2" wide w/c Ornamental gola/beading on top & bottom complete as specified	N.S.I	102	Rll	450	45,900
5	S&F of Brazilian wood Ornamental cornic beading of 1.25"x1.25" w/c cost of moulding etc complete as specified	N.S.I	60	Rll	85	6,555
6	S&F of Hydraulic Door Close (Best Quality)	N.S.I	3	Each	2250	6,750
7	S&F of teak wood brazilian paneled door shutter of approved quality & design 1-1/2" thick	N.S.I	65	Sll	1850	120,250
8	S&F of Glazed tiles having size 8"x12" of approved colour & design 1/2" thick plaster in (1.2)	N.S.I	616	Sll	200	123,200
9	S&F of Glazed wall border 2"-3" wide and 12" long	N.S.I	34	Each	450	15,300
10	Scrapping: Ordinary Distemper, Oil Bound Distemper or paint off wall	N.S.I	918	Sll	22	20,196 ✓
11	Prepare surface using wall patty ICI paint etc of approved quality	N.S.I	918	M1	12	11,016
12	Prepare surface & applying of 3 coats of approved type of plastic emulsion paint etc: complete	13 30 - a + b	85.31	M2	121.6	10,374 ✓
13	Prepare surface & applying lacquer polish to wooden surface complete in all respect	N.S.I	154	Sll	91	14,014
14	S&F of imported door lock	N.S.I	3	Each	3000	9,000
15	S&F of Taper Brass 10" Long	N.S.I	3	Each	700	2,100
16	S&F of Vertical Blind Curtain	N.S.I	126	Sll	250	31,500
17	Wiring of high/low/coil-bell point in 3/0.025 PVC insulated bare cable in PVC pipe recessed	15-50	21	Each	867.02	18,207 ✓
18	S&F of 2/3 pin 5 Amp plug point in 3/29 PVC insulated bare cable in PVC pipe recessed	15-51	10	Each	432.75	4,328 ✓
19	S&F of Energy Saver bulb 25-25 Volt	N.S.I	4	Each	305	1,220
20	S&F of fancy bracket 2 long 3 No holder of approved quality	N.S.I	1	Each	3000	3,000
21	S&F of electric AC exhaust/fresh air circulation (double way) 220/230 single phase plastic frame body and blade complete 12"x12"	15-77-c	1	Each	5190.62	5,197 ✓
22	S&F of 1.5 ton split type Air conditioners (Daewalnce or equivalent) w/c frame for out door unit complete in all respect	N.S.I	2	Each	65000	130,000
23	Providing & fixing of 2" x 2" w/c tube light complete with 23 watt energy saver bulbs etc: complete	N.S.I	14	Each	4800	67,200
24	Providing & fixing of Telephone wire	N.S.I	320	Rll	8	2,560 ✓

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25	S/F of Dimmer Switch for ceiling fan	15-10	3	Each	127	381
26	S/F of Asia Porcelain Power Plug 30 Amp	N.S.I	4	Each	1036	4,144
27	Wiring of main & sub main in 2 single core PVC insulated cable	15-47-c	19	M	342.48	6,507
28	S/F of 3 pin switch & plug combined recessed type 5 Amp	15-70-a	5	Each	159.53	797.65
29	Providing & fixing ceiling fan 56" sweep (Lahore Fan) premium model	N.S.I	3	Each	4500	13,500
30	Providing & making of bath vanity having size 4'x2' 1/2 cost of marble (Verona crystal), slab, RCC bars, slab, Oval shape ceramic bowel, heavy duty mixer, chrome finish (Master), chrome finish toilet trap and 2 Nos. Ice stop cock (Master) etc complete in all respect.	N.S.I	1	Job	22500	22,500
31	Providing & fixing of bevel edge looking glass imported having size 4'x2.5' 1/2	N.S.I	1	Each	4900	4,900
32	P&F CP Toilet paper holder	14-15	1	Each	295.48	295
33	P&F CP Mixing Valve 1/2"	N.S.I	1	Each	6240	6,240
34	P&F CP Towel rail, 24" long, 3/4" dia	14-16-a	1	Each	403.77	404
35	P&F CP Ice stop cock heavy type 1/2"	14-25	3	Each	343.27	1,030
36	P&F CP double angle cock 1/2"	N.S.I	1	Each	750	750
37	P&F CP Soap Dish	14-13	2	Each	395.3	791
38	S/F of Muslim shower (Master) with double cock complete in all respect.	N.S.I	1	Each	100	100
39	S/F of lavatory set (IFO) consisting WC European type with seat, 2.5 Gallons capacity low level cistern of approved color and quality.	N.S.I	1	Each	25500	25,500
40	Supply & fixing of Sui Gas Room Hooper Gas	N.S.I	2	Each	13500	27,000
40	S/F acoustic miller fibre tile ceiling fixed with aluminium tee hung by GI wire fixed in roof	12-40	50.05	M2	3191.46	160,010
TOTAL Rs.						1,147,070
Add 20% Premium (on Rs 446366-)						99,273
TOTAL Rs.						1,236,343

B. CONFERENCE SYSTEM

S. No.	Description	Sch: CSR-2009	Qty:	Unit	Rate	Amount (Rs.)
1	Supply & installation of Conference System BOSCH CCS 800 ULTRO System					
a	Central Amplifier Control Unit BOSCH CCS-CU for CS 800 Ultra	N.S.I	1	Each	221500	221,500
b	Chairman unit BOSCH LBB 3330 CCS (3331/50 long neck model) with all necessary control	N.S.I	1	Each	75700	75,700
c	Delegate station BOSCH LBB 3330 CCS (3330/50 long neck model)	N.S.I	12	Each	60600	727,200
Networking						
a	S/F Wireless D-Link Router	N.S.I	3	Each	25000	75,000
b	S/F Wireless D-Link USB Dongle	N.S.I	25	Each	2400	60,000
c	Installation of Fire wall Software	N.S.I	1	Job	15000	15,000
d	Network Configuration/Installation	N.S.I	1	Job	15000	15,000
e	Multimedia with all accessories	N.S.I	1	Each	50000	50,000
TOTAL Rs.						1,230,400

10,27,400

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3 The Divisional Accounts Officer (Local) The contractor may
4 Contract Agreement before commencement of the work

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C. FURNITURE / FURNISHING						Amount (Rs.)
S. No.	Description	Sch: CSR-2009	Qty:	Unit	Rate	
1	Supply of conference table size 22'x6'x2'-6" with 40 chairs (Executive Chair + 39 r chairs with out arm) finishing with best quality lacquer polished	N S.I	1	Job	520000	520,000
4	S/F of wall clock of approved make and quality	N S.I	2	Each	1200	2,400
5	S/F of Quaid-e-Azam portrait	N S.I	1	Each	2500	2,500
TOTAL Rs.						524,900
Total (A+B+C)						2,911,370.12
Add 20% Premium on CSR Item 2009						89273
Grand Total						3,000,643.12
Grand Total (Say)						3,000,000.00

All item of the schedule of the work as included in the CSR 2009 volume 3 Part II

Add _____ %age above/below At Par onm CSR 2009 for Civil Work

Add _____ %age above/below At Par onm CSR 2009 for NSI

Head Draftman

Contractor

Executive Engineer

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Division Nowshera-II he is
 required to sign the contract within stipulated period (ii) The contractor may

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CONFIDENTIAL



PROVINCIAL INSPECTION TEAM, KHYBER PAKHTUNKHWA

INQUIRY REPORT

Subject: Inquiry Regarding Irregularities and Embezzlement in the Project "Strengthening and Capacity Building of PHE Department ADP No. 228/100098 (2010-11)" Carried out by PHE Division, Nowshera.

1- Order of Inquiry.

Orders of the Chief Secretary, Khyber Pakhtunkhwa to hold an inquiry into the case in hand, passed on a note submitted by Public Health Engineering Department, were communicated to Provincial Inspection Team on 01-04-2014 (Annex-A).

2- Background.

a- A note for Chief Secretary, Khyber Pakhtunkhwa regarding irregularities and embezzlement in the project the scheme "Strengthening and Capacity Building of PHE Department ADP No. 228/100098 (2010-11)" Carried out by PHE Division, Nowshera was submitted by Secretary, Public Health

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Engineering (PHE) Department on 25-02-2014. In the note, it was stated that complaints were received from different quarters regarding certain mis-appropriations/irregularities made in the procurements in the instant project. Taking cognizance, Superintending Engineer, PHE Circle Timergarah was appointed as Inquiry Officer to probe into the matter. The Inquiry Officer submitted his report to the Chief Engineer (North), PHE Department, which was forwarded to Secretary, PHE Department vide Chief Engineer (North) letter dated 29-01-2014 (Annex-B).

- b- It was further mentioned in the note that the Inquiry Officer had pointed out gross irregularities/mis-appropriation in the project and had recommended that a high level committee comprising of IT personnel, auditors, and site inspectors may be constituted or an independent investigation agency may be given the task to probe into the matter in detail.
- c- In the note, the PHE Department recommended that in view of the magnitude of irregularities and quantum of work, the inquiry may be conducted through Provincial Inspection Team (PIT). The Chief Secretary, Khyber Pakhtunkhwa approved the said recommendation vide Para-5 of the note and forwarded the case to PIT.

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3- Inquiry Proceedings.

- a- Provincial Inspection Team (PIT) requested the Executive Engineer, PHE Division, Nowshera on 02-04-2014 to immediately provide relevant record of the case (Annex-C). Since, the record was not provided, therefore, a reminder was issued in this regard on 10-04-2014 (Annex-D). The record was partially submitted to PIT on 18-04-2014 (Annex-E). The matter was discussed in detail with the incumbent staff of PHE Division, Nowshera on 28-05-2014, 17-06-2014, and 11-07-2014. The remaining record of the case was provided to PIT on 07-08-2014.
- b- All the concerned offices of PHE Department throughout the province were asked on 18-09-2014 to provide their relevant briefs regarding verification/authentication of the quality and quantity of the items delivered to them in the instant project (Annex-F). Some of the PHED offices didn't furnish their briefs, therefore, the issue was reminded to them vide letters dated 25-09-2014, 30-09-2014, 01-10-2014, 02-10-2014, and 20-11-2014 (Annex-G).
- c- Detailed discussions were held with the then concerned staff of PHE Department on 27-10-2014, 05-11-2014, and 11-11-2014 (Annex-H). During discussions, they asked for some time so that they could consult the relevant record before responding

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to questions from PIT. Mr. Ghulam Mujtaba, the then Chief Engineer (South), PHED submitted his written statement on 11-11-2014 (Annex-I).

- d- Physical verification of the purchased items was carried out by PIT at randomly selected PHE offices of Peshawar, Charsadda, Mardan, and Nowshera on 10-11-2014, 11-11-2014, and 12-11-2014 (Annex-J).
- e- PIT co-opted Prof. Dr. Inayatullah Babar, Chairman, Department of Electrical Engineering, Khyber Pakhtunkhwa University of Engineering and Technology (UET), Peshawar as technical expert (Annex-K). The equipments were inspected in PHE Secretariat by PIT and technical expert in the presence of the concerned staff of PHE Department on 19-11-2014. The samples of stabilizer and UPS alongwith batteries were collected from PHE Secretariat and were tested in UET Laboratory. The relevant test report of UET, Peshawar is placed at Annex-L.
- f- After inspection and test results, the then concerned staff of PHED were again called to attend PIT on 25-11-2014 so as to obtain their view point with regard to the new observations vide letter dated 24-11-2014 (Annex-M). The matter was discussed in detail with the following officers of PHE Department and they submitted/recorded their written statements on the dates mentioned against their names;

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S.No	Name	Designation	Date	Annex
i.	Mr. Sikandar Khan	The then Superintending Engineer (HQ), PHED.	25-11-2014, 26-11-2014, & 01-12-2014	N
ii.	Mr. Nasir Latif.	The then Executive Engineer, PHE Division, Nowshera.	25-11-2014	O

Mr. Ghulam Mujtaba, the then Chief Engineer (South), PHED didn't attend PIT till finalization of this report.

4- Observations.

Based on the scrutiny of the available record/documents, detailed discussions & written statements of the concerned staff of PHE Department, random physical inspection of the purchased items, and test results, PIT observations are as under:

- a- The project "Strengthening and Capacity Building of Public Health Engineering Department ADP No. 242/100098 (2010-11)" was approved by the PDWP in its meeting held on 13-12-2010. Administrative approval of the scheme amounting to Rs. 96.40 million was issued on 02-02-2011 with a completion period of two years having the following scope of work (Annex-P);

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S.No	Description	Amount
1.	Vehicles	Rs. 54.555 M
2.	Computer/MIS including Survey Equipments	Rs. 28.788 M
3.	Rent/Utilities/POL	Rs. 5.280 M
4.	Furniture and Fixture	Rs. 3.000 M ✓
5.	Training	Rs. 4.768 M
	Total	Rs. 96.40 M

b- As per statement of Mr. Nasir Latif, the then Executive Engineer, PHE Division, Nowshera, the project was divided into three parts which were carried out through Peshawar, Charsadda, and Nowshera Divisions of PHE Department. The purchase of vehicles amounting to Rs. 54.555 million was done through PHE Division, Peshawar, while procurement of the following items amounting to Rs. 41.748 million was carried out through PHE Division, Nowshera;

S.No	Description	Amount
1.	Computer/MIS including Survey Equipments	Rs. 28.788 M
2.	Rent/Utilities/POL	Rs. 5.280 M
3.	Furniture and Fixture	Rs. 3.000 M
4.	Training	Rs. 4.768 M
	Total	Rs. 41.748 M

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c- Technical Sanction of the project amounting to Rs. 89.498 million was issued by Chief Engineer (South), PHED on 12-06-2012 as per following (Annex-Q);

S.No	Description	Amount
1.	Vehicles	Rs. 55.749 M
2.	Computer/MIS including Survey Equipments	Rs. 21.453 M
3.	Rent/Utilities/POL	Rs. 0.000 M
4.	Furniture and Fixture	Rs. 3.508 M
5.	Training	Rs. 8.708 M
	Total	Rs. 89.418 M

d- It was observed that apparently rates for most of the items in the approved PC-I were on higher side and no rate analysis and market survey was done before submission of the PC-I for the project. Nothing was made available to PIT which could have proved that some real working had been done before processing the estimate. The concerned staff of PHE Department failed to produce anything during the inquiry proceedings in this regard. Further, no Purchase Committee and Inspection Committee having relevant technical experts were formed for the purchases in the instant project and most of the procurement had been done through PHE Division, Nowshera except the vehicles which had been reportedly purchased from the authorized dealers through PHE Division, Peshawar. In reply to questions from PIT in this regard, Mr. Nasir Latif,

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the then Executive Engineer, PHE Division, Nowshera stated in his written statement that the procurement was made on the orders of the Competent Authority i.e. Chief Engineer (South), PHED who had neither notified any such committees nor gave instructions for the purpose. Mr. Sikandar Khan, the then Superintending Engineer (HQ), Peshawar stated that it was mandatory for every Procurement Entity to have made procurement according to Delegation of Powers, General Financial Rules (GFR), and Public Procurement Regulatory Authority (PPRA) Rules (Annex-R). The Procurement Entity shall constitute Procurement Committee for purchase of equipments according to PPRA Rules-2003. In this regard, Mr. Ghulam Mujtaba, the then Chief Engineer (South), PHED stated that since the Capacity Building of PHE was a project oriented, therefore, there was no need at all of Purchase Committee and the Executive Engineer was authorized to complete the project assignment after fulfillment of all the codal formalities.

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- e- Tenders for the following items were advertised in daily newspaper "AAJ" on 09-03-2011 and 14-03-2011 (Annex-S);

S.No	Description	Quantity	Total Cost
1.	Computerization of revenue record/water billing software.	01	Rs. 0.60 M
2.	Branded Computers.	62	Rs. 7.13 M
3.	HP Laser Printers.	62	Rs. 2.66 M

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S.No	Description	Quantity	Total Cost
4.	Stabilizers.	62	Rs. 0.65 M
5.	UPS.	62	Rs. 3.10 M
6.	Photocopier Machines.	02	Rs. 0.30 M
7.	Laptops.	04	Rs. 0.30 M
8.	Multimedia.	01	Rs. 0.50 M
9.	Server.	01	Rs. 0.50 M
10.	Survey and Drawing Equipments	As in PC-I	Rs. 6.67 M
	Total		Rs. 22.41 M

- f- It was observed that an amount of Rs. 0.60 million was paid to the consultant M/S Rehman Technology Corporation for the item "Computerization of revenue record/water billing software" (Annex-T), however, nothing was available on record as how the consultant was selected and on what basis the payment was made to him. The then executive engineer was asked to justify the payment for the purpose. In response, he stated that payment was made for development of water billing software and training of Revenue Clerks of PHE divisions. The executive engineer failed to produce any document/record like how many staff was trained and what was the per person rate for the training etc to support his stance.
- g- It was observed that Core-i7 computers were approved in the PC-I @ Rs. 1,15,000/- per computer whereas comparatively old model of Core-i5 computers @ Rs. 1,14,500/- per computer were

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purchased (Annex-U&V). In this regard, Mr. Nasir Latif, the then Executive Engineer, PHE Division, Nowshera gave an unplausible answer that he was not sure about the approval of Core-i7 computer in the PC-I. One wonders that if he didn't know that Core-i7 computers were approved in the PC-I, then on what basis he purchased Core-i5 computers and how he got the specifications of Core-i5 computers? All this shows the non-seriousness and incapability of the concerned Executive Engineer in the instant procurement.

h- It was also observed that in PC-I the approved specification for laser printer was HP-2055 or latest and the same specifications were also given in the advertisement (Annex-W). The suppliers gave rates for the said specifications and comparative statement was accordingly prepared and forwarded to the Chief Engineer (South), PHED for approval, which were approved as such by the Chief Engineer (Annex-X). Work order was issued to the supplier M/S Muhammad Rashid on 27-04-2011 for supply of laser printers HP-2055 @ Rs. 42,800/- per printer, but the supplier provided old model HP-2035 printers. Instead of taking action against the supplier or forcing him to make the supply as per tender and work order, the Executive Engineer made payment to the supplier @ Rs. 42,800/- per printer as per supply order even for below specification printers. In this regard, Mr. Nasir Latif, the then Executive Engineer, PHE Division, Nowshera stated that HP-2055 were

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not available in the market at that time, therefore, HP-2035 printers were purchased. The plea of Mr. Nasir Latif is unacceptable on the basis that since HP-2055 laser printers were approved in the PC-I by the PDWP, therefore, non-availability of the said printer in the market was out of question.

PIT carried out survey of the market to find out the actual cost of the printer at that time. During the survey, PIT was informed that the market price of most of the items/equipments procured in the instant project at that time were much lower than their purchased costs, however, no relevant documents pertaining to that specific period of time were provided to PIT. In order to obtain some documentary proof and ascertain the factual position, PIT carried out extensive search on the internet for all the purchased items. From the data available on the internet, it was observed that cost of an HP-2055 laser printer was Rs. 34,200/- while that of an HP-2035 laser printer was Rs. 24,500/- in the year 2011 (Annex-Y). It is pertinent to mention here that in the Year-2011, the Government reduced the General Sales Tax to 8% while the Income Tax was completely waived off due to the devastating flood of 2010 in Khyber Pakhtunkhwa. So, the cost of an HP-2035 Printer at that time was Rs. 26,460/- (Rs. 24,500/- plus 8% General Sales Tax). In the instant case, each HP-2035 laser printer had been provided @ Rs. 42,800/- instead of Rs. 26,460/-. Thus, there was a difference of Rs. 16,340/- in the

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purchase of each printer. The total loss to the Government exchequer in purchase of 62 No. HP-2035 laser printer was Rs. 10,13,080/- ($62 \times 16,340 = \text{Rs. } 10,13,080/-$)

i- PUMA Stabilizers (1000 Watt) were purchased each at a cost of Rs. 10,000/-. From the data available on the internet, it was observed that the rate of a PUMA Stabilizer (1000 Watt) was Rs. 4,200/- in the Year 2011 (Annex-Z). By adding 8% General Sales Tax, the total cost of a stabilizer comes out to be Rs. 4,536/-, which creates a difference of Rs. 5,464/- in the purchase of each stabilizer at that time. Thus, in the purchase of 62 No. PUMA Stabilizers (1000 Watt), total loss to the Government was Rs. 3,38,768/- ($62 \times 5,464 = 3,38,768/-$).

j- In the approved PC-I, an amount of Rs. 3.10 million was allocated for supply and installation of 2-KVA UPS (Complete). Generally, a 2-KVA UPS requires a 24-Volt single dry battery or two dry batteries of 12-Volt each. During inspection, it was observed that the seven sets of UPS provided in the PHE Secretariat were having two dry batteries each of 12-Volts while the other offices of PHE Department were having only one dry battery of 12-Volts. A sample of the purchased UPS was tested in the UET Laboratory so as to know its actual output. The result showed that the UPS was actually 1-KVA rather than 2-KVA (Annex-AA). The 55 No. sets of UPS provided to various offices of PHED Department other than those in the PHE Secretariat were comprised of 1-KVA UPS

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with a single dry battery of 12-volts, meaning thereby that the supply in this regard was half of the purchased amount of Rs. 45,000/- in each case. Thus, the total loss to the Government in the supply of 55 No. 2-KVA UPS (Complete) was Rs. 12,37,500/- ($55 \times 22,500 = \text{Rs. } 12,37,500/-$).

- k- An amount of Rs. 500,000/- was allocated for the purchase of multimedia in the approved PC-1 without mentioning its specifications. The record shows that a multimedia (2500-3000 lumens) had been purchased at a cost of Rs. 3,50,000/- (Annex-BB). During inspection, PIT was shown that multimedia Vivitek Model-D530 was purchased.

The information gathered from the internet transpires that the cost of a Vivitek Model-D530 multimedia was US\$-699 in the year 2011 (Annex-CC). By adding 8% of General Sales Tax, the cost reaches to US\$-755. The US Dollar rate in Pakistani Rupees at time was about Rs. 86.00 (Annex-DD). From this account, the cost of a Vivitek Model-D530 multimedia comes out to be Rs. 64,930/- ($86 \times 755 = \text{Rs. } 64,930/-$). Thus, loss to the public exchequer in the purchase of Vivitek Model-D530 multimedia was Rs. 2,85,070/- ($3,50,000 - 64,930 = \text{Rs. } 2,85,070/-$).

- l- It was observed that a server was purchased at a cost of Rs. 400,000/-. Mr. Nasir Latif, the then Executive Engineer, PHE Division, Nowshera stated that the

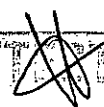
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server was installed in the PHE Secretariat but was non-functional. In response to a question from PIT, he further stated that the specifications and operation of the server was not verified through I.T expert. In order to ascertain the factual position, PIT visited the PHE Secretariat alongwith technical expert of UET, Peshawar and the concerned staff of PHE. During inspection, the concerned staff of PHE Secretariat informed that the room in which the Server had been installed was sealed/locked and its key was not available. On the insistence of PIT, the room was unlocked and astonishingly there was no server available and the room was full of dust as if no one had ever entered into the room for years.

m- An amount of Rs. 3.00 million was allocated in the approved PC-I for the following items;

S.No.	Description	Quantity	Total Amount
1.	Photocopier	02	Rs. 600,000/-
2.	Refrigerator	02	Rs. 60,000/-
3.	Split Air Conditioners	04	Rs. 200,000/-
4.	Microwave Oven	02	Rs. 30,000/-
5.	Desert Room Cooler	08	Rs. 80,000/-
6.	Water Cooler	02	Rs. 30,000/-
7.	Fax Machines.	32	Rs. 800,000/-
8.	Furniture	As Estimated	Rs. 1,200,000/-
	Total		Rs. 3,000,000/-

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n- Two photocopier machines each at a total cost of Rs. 300,000/- were approved without mentioning its specifications in the PC-I. Tender for two photocopier machines alongwith specifications were advertised in the newspaper on 14-03-2011. The then Executive Engineer purchased only one photocopier machine @ Rs. 300,000/- instead of two photocopier machines from the supplier M/S Rehman Technology Corporation, Hayatabad, Peshawar (Annex-EE). The remaining one photocopier machine was again advertised in the newspaper on 21-01-2012 without mentioning its specifications (Annex-FF). The supply order was issued to M/S Pervez Khan & Sons, Govt. Contractor on 17-02-2012 with a time limit of three months. The photocopier was provided after four months and payment of Rs. 300,000/- was made to the supplier on 22-06-2012 through a bill voucher where there was no mention of specifications of the supplied photocopier machine (Annex-GG). It is to mention here that time for completion of the supply order to the first supplier was one month while the second supplier was given three months for the same purpose. PIT asked the then executive Engineer that whether the supplier M/S Pervez Khan & Sons was eligible to take part in the tender proceedings for the photocopier machine, but he failed to answer.

During inspection, PIT was informed that two photocopier machines "Canon ImageRunner-1024" and "Canon ImageRunner-2530" were purchased each at a cost of Rs. 300,000/-. It was observed that both

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the models could not be available at a same price as there was a huge difference in their specifications and functions. The present market rate available on the internet shows that cost of "Canon ImageRunner-1024" is US\$ 780.00 while that of "Canon ImageRunner-2530" is US\$ 2,331.00 (Annex-HH). The difference in rates of both the models is US\$ 1,551.00. Based on US Dollar rate against Pakistani Rupee (1 US\$ = 86 PKR) in the year 2011, the said rate difference in Pakistani Rupee comes out to be Rs. 1,33,386/-. Hence, an amount of at least Rs. 1,33,386/- was loss to the public exchequer in purchase of one photocopier machine.

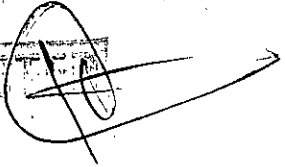
o- In the approved PC-I, an amount of total Rs. 60,000/- was allocated for purchase of Two Refrigerators, but three Refrigerators had been purchased through quotation at a total cost of Rs. 78,000/- (Annex-JJ). It is to mention that the said items were required to be purchased through tender rather than quotation because, as per rules, the quotation limit was Rs. 40,000/- at that time.

p- A total of four Split Air Conditioners (AC) each costing Rs. 50,000/- were approved in the PC-I. Accordingly, tenders were floated in the newspaper on 21-01-2012 and the relevant comparative statement was submitted to the Chief Engineer (South), PHED for approval. The Chief Engineer (South) approved the rate of Rs. 280,000/- for supply of four Split ACs offered by M/S Pervez Khan & Sons, Govt. Contractor (Annex-KK). But the then Executive

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Engineer and work order for supply of three Split ACs (instead of four split ACs). Therefore, the supplier provided three Split ACs for which a total payment of Rs. 210,000/- was made by the executive engineer, PWD Division, Nowshera (Annex-MM). Total allocated amount was Rs. 200,000/- for four Split ACs @ Rs. 50,000/- per unit, while only three Split ACs were purchased at excessive rate of Rs. 70,000/- per unit. Hence, an amount of Rs. 210,000/- was irregularly spent.

An amount of Rs. 120,000/- was allocated in the approved PC-1 for the purchase of eight (8) Desert Room Coolers. During the tender process, the rate of total Rs. 120,000/- for eight Desert Room Coolers offered by M/S Pervez Khan & Sons was approved by the Chief Engineer (South), PWD (Annex-NN). Afterwards, four more Desert Room Coolers were purchased @ Rs. 15,000/- per unit from the supplier M/S Javid Group of Companies through quotation. Payments to both the suppliers were made on the same date i.e. 23-06-2012.

It was observed that four (4) water dispensers/coolers were purchased through tender at a total cost of Rs. 85,000/- from M/S Pervez Khan & Sons whereas only two water dispensers/coolers were approved in the PC-1 for a total amount of Rs. 30,000/- (Annex-OO). Two (2) more water dispensers/coolers were procured by the executive engineer, PWD Division, Nowshera through quotations rather than tender @ Rs. 22,000/- per unit.

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from M/S Junaid Group of Companies on 22-06-2012 (Annex-PP). Hence, an amount of Rs. 1,02,000/- has been irregularly spent on the purchase of water dispensers/coolers.

- s- A total of thirty two (32) laser fax machines were approved in the PC-I at a total cost of Rs. 800,000/-. The said quantity of fax machines of Panasonic KX-FT983CX was purchased through tender at a total cost of Rs. 960,000/-, each @ Rs. 30,000/-, which was approved by the Chief Engineer (South), PHED. Afterwards, the then Executive Engineer, PHE Division, Nowshera procured three more laser fax machines through three quotation processes each at a cost of Rs. 30,000/-.

It was observed from the data available on the internet that cost of each Panasonic KX-FT983CX fax machine was Rs. 10,899/-. By adding the 8% General Sales Tax at that time, the cost of the said fax machine comes out to be Rs. 11,771/- instead of Rs. 30,000/- in the year 2011 (Annex-QQ). The difference in cost of each fax machine was Rs. 18,229/-. Thus, there was a total loss of Rs. 6,38,015/- ($35 \times 18,229 = \text{Rs. } 6,38,015/-$) in the purchase of 35 No. Panasonic KX-FT983CX fax machines.

- t- Regarding the furniture, it was observed that an amount of about Rs. 1.20 million had been paid to Pak German Wood Working Centre, Peshawar in the year 2011 but the furniture has not been received by

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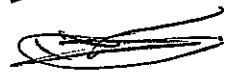
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the Department till date. Mr. Nasir Latif, the then Executive Engineer, PHE Division, Nowshera stated that the furniture could not be obtained due to non-availability of office accommodation for the said furniture and correspondence of PHE Department is in progress with Administration Department in this regard.

- u- It was observed that stationary items amounting to total Rs. 71,945/- were not purchased through tender and rather these were procured through two quotation processes on a single date and the payment (Rs. 33,555 + Rs. 38,390 = Rs. 71,945) for both the quotations were also made on the same date of 22-06-2012 (Annex-RR).
- v- Three Sony Cyber Shot Cameras were purchased through quotation on 22-06-2012 at a total cost of Rs. 55,300/- whereas these were not even approved in the PC-I. Similarly, an amount of Rs. 18,000/- was spent on the procurement of water set/tea set/dish plates which were also not approved in the PC-I. Moreover, the item "Cash Safe" costing Rs. 30,000/- was not in the approved PC-I, but the same was also purchased (Annex-SS).
- w- It was observed that in most of the quotations submitted by the suppliers in the instant project, there was no mention of the reference of the quotation & its relevant date, authorized signatures & stamp of the concerned suppliers, quotation submission date, client address, and also the

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quotations of different suppliers were filled with similar hand writing (Annex-TT). Mr. Nasir Latif, the then Executive Engineer, PHE Division, Nowshera failed to give any plausible reply to the aforementioned observations of PIT regarding purchase of unapproved items, excess quantity of items, and irregularities in the process of instant procurement.

5- Findings.

Based on the observations at Para-4 (a to w) of this report, findings are as under:

- a- That, PC-I of the project "Strengthening and Capacity Building of Public Health Engineering Department ADP No. 242/100098 (2011-12)" amounting to Rs. 96.40 million was prepared without carrying out the necessary rate analysis and market survey and the exorbitant rates of different items thereof were based on assumptions. Further, there was no mention of the specifications of Multimedia, Server, Refrigerators, Split Air Conditioners, Microwave ovens, Photocopier Machines, Desert Room Coolers, and Water Dispensers/Coolers in the approved PC-I, which clearly shows that rates for the said items in the PC-I were arbitrary. Also, no specifications were written against the aforementioned items in the respective tenders and quotations. Moreover, no approval was obtained from the competent authority/forum regarding quality/specification of the said items before making payments for the same.

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The whole process, starting from preparation of defective PC-1 till payments for the supplied items, was engineered to give financial benefits to individuals having vested interests rather than safeguarding Government interest.

- b- As per standard procedure, a Purchase Committee at the time of the purchases and an Inspection Committee for verification/confirmation of the quality/specifications of the supplied items, both having relevant technical experts, were required to have been constituted for the project keeping in view the nature of the items. But in the instant case, neither the Chief Engineer (South) PHED nor the Executive Engineer, PHE Division, Nowshera had formed any such committees. Resultantly, the quality with regard to specifications of items amounting to millions of rupees have been put at stake on one hand and, on the other hand, the items were purchased at exorbitant rates causing loss to the public exchequer.
- c- That, selection of the consultant M/S Rehman Technology Corporation for the item "Computerization of revenue record/water billing software" was not transparent. Also, the payment of Rs. 0.60 million to the consultant for preparation of the software and training of staff was not justified. Proof of the required output of the consultant in the shape of training and development of water billing software has not been made available to PIT, meaning thereby that the amount has been pocketed.

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d- That, no Server whatsoever had been provided/installed in the PHE Secretariat and the payment of Rs. 400,000/- for the purchase of Server has been loss to the Government.

e- The following losses to the Government exchequer have been made in the procurement of various items;

S.No.	Description	Loss
1.	Printers	Rs. 10,13,080/-
2.	Stabilizers	Rs. 3,38,768/-
3.	UPS 2-KVA	Rs. 12,37,500/-
4.	Multimedia	Rs. 2,85,070/-
5.	Server	Rs. 400,000/-
6.	Photocopier	Rs. 1,33,386/-
7.	Fax Machines	Rs. 6,38,015/-
	Total	Rs. 40,45,819/-

f- The following irregularities have been committed in the instant procurement process;

i- Specifications of computers were changed from Core-i7 to Core-i5 without getting approval from the Competent Authority/Forum and the Core-i5 computers were purchased almost at the rate of Core-i7 computers without getting opinion from technical expert at any stage by violating the rules.

ii- Tender for HP-2055 laser printers was approved from the Chief Engineer (South), PHED but the

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supplier provided old model HP-2035 laser printers and the Executive Engineer, PHEB Division, Nowshera fraudulently made payment for latest model HP-2055 laser printers, thus causing a loss of Rs. 10,13,080/- to the Government.

- iii- No technical input was obtained from the relevant expert in the purchase of UPS (55 No.) and 1-KVA UPS with a single 12-Volt battery have been purchased instead of the approved 2-KVA UPS with two batteries of 12-Volts each, which resulted into loss of Rs. 12,37,500/- to the public exchequer.
- iv- Tenders were called for two photocopier machines on 14-03-2011 and the supplier also gave rates for two units, but only one photocopier machine was purchased at that time without any reason. The remaining one photocopier machine was again advertised on 17-02-2012 and purchased at the same rate as that of the first photocopier machine without giving any justification.
- v- Three Refrigerators, four Desert Room Coolers, six Water Dispensers/Coolers, three Fax Machines, stationary amounting to Rs. 71,945/-, and three Sony Cyber Shot Cameras were purchased through quotations rather than tender despite the fact that costs of each of the aforementioned items were crossing the

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quotation limit of Rs. 40,000/- at that time. In the said purchases, even the laid down rules of quotations were also not followed as detailed for each case at Para-4 (Observations) of this report.

vi- Most of the procurement was made from unregistered and unauthorized suppliers as the concerned staff of PHE Department failed to produce anything in this regard.

g- That, the following items were irregularly purchased over and above the approved quantity and rate as in the PC-I;

S.No	Item	Quantity		Rate Per Unit (Rs.)		Total Amount Allocated in PC-I (Rs.)	Total Purchased Amount (Rs.)	Excess Amount (Rs.)
		PC-I	Purchased	PC-I	Purchased			
1.	Refrigerator	02	03	30000/-	26000/-	60000/-	78000/-	18000/-
2.	Split A.C	04	03	50000/-	70000/-	200000/-	210000/-	10000/-
3.	Desert Room Cooler	08	12	10000/-	15000/-	80000/-	180000/-	100000/-
4.	Water Cooler	02	06	15000/-	22000/-	30000/-	132000/-	102000/-
5.	Laser Fax Machine	32	35	25000/-	30000/-	800000/-	1050000/-	250000/-
6.	Water set/tea set/dish plates	Nil	Nil	Nil	18000/-	Nil	18000/-	18000/-
7.	Sony Cyber Shot Camera	Nil	03	Nil	18433/-	Nil	55300/-	55300/-
8.	Cash Safe	Nil	01	Nil	30000/-	Nil	30000/-	30000/-
	Total					1170000/-	1753300/-	583300/-

h- That an amount of about Rs. 1.20 million had been paid to PAK German for the furniture but the same has not been received even after three years.

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6- Recommendations.

On the basis of observations and findings of this report, recommendations of PIT are as follows:

- a- The loss to the Government exchequer amounting to Rs. 52,29,119/- for mis-procurement, allowing exorbitant rates as well as embezzlement in missing items may be recovered on equal share basis from the following two officers of Public Health Engineering Department (PHED);

S.No.	Name	Designation
1.	Mr. Ghulam Mujtaba	The then Chief Engineer (South), PHED.
2.	Mr. Nasir Latif	The then Executive Engineer, PHE Division, Nowshera.

- b- Strict disciplinary action may be taken against the above mentioned officers of PHED for embezzlement, malpractices, and irregularities pointed at Para-5 (Findings) of this report.
- c- Mr. Sikandar Khan, the then Chief Engineer (South) as well as Superintending Engineer (Headquarter), PHED, Peshawar was found responsible for preparation of faulty PC-I without carrying out rate analysis and market survey for the purpose, which provided the basis for procurement of below specification items and that too on exorbitant rates and causing loss to the public exchequer. It is

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recommended that disciplinary action may be taken against him and he may be immediately removed from his present posting of Chief Engineer, PHED.

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d- The Planning and Development Department may be directed not to entertain PC-1, especially of such like projects, which lacks proper specifications, market survey and rate analysis for each item so as to avoid wastage/embezzlement of public money and safeguard the Government interest in future.

e- Disciplinary action may be taken against the following staff of PHE Department for not cooperating in the inquiry proceedings despite hectic pursuance and efforts from PIT resulting into delay in disposal of official work;

S.No	Name	Designation
1.	Mr. Kaleem Ullah	Director P&M
2.	Mr. Fazal Ahmed	Planning Officer
3.	Mr. Syed Abid	Planning Officer
4.	Mr. Muhammad Ikram	Section Officer (Technical)
5.	Mr. Nasir Zaman	Section Officer (Technical)
6.	Mr. Johar Ali Shah	Section Officer (Establishment)
7.	Mr. Rafiullah	Section Officer (Budget & Accounts)

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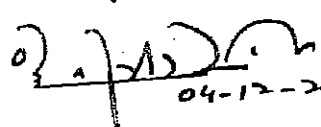
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f- The PIIE Department may be directed to immediately receive all the furniture from PAK German for which payment has already been made about three years ago.

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04-12-2014

Engr. Owais Islam
Senior Engineer,
Provincial Inspection Team,
Khyber Pakhtunkhwa

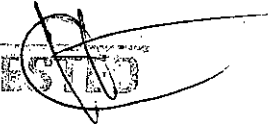


Engr. Mohammad Yaqoob
Member (Technical),
Provincial Inspection Team,
Khyber Pakhtunkhwa



Jamal-ud-Din
Chairman,
Provincial Inspection Team,
Khyber Pakhtunkhwa

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Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT.

Writ Petition No. 3440-P/2015.

Ghulam Mujtaba...VS...Govt. of Khyber
Pakhtunkhwa.

JUDGMENT

Date of hearing.....14.6.2016.....

Petitioner(s) by Qazi Jawad Ehsan Ullah, Advocate.

Respondent (s) by Syed Qaisar Ali Shah AAG.

ROOH-UL-AMINKHAN, I:- Through the instant petition, under Article-199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner impugns the notice bearing Endorsement No. SO(Estt)/PHED/836/2014 dated 11.2.2015 issued by respondent No.4 communicating him the final show cause notice issued by the authority/ the Chief Minister Khyber Pakhtunkhwa by imposing a penalty of recovery of Rs. 2614,560/- as well reduction to the lower grade for five years.

2. In essence, the grievance of the petitioner is that the impugned final show cause notice purportedly been issued under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, but

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Jawad Ehsan Ullah
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admittedly it is not preceded by any departmental inquiry under the above said rules, therefore, on the face of it is illegal for having not followed the mandatory procedure laid down in the rules ibid, thus liable to be set aside.

3. Initially comments of respondents were called for wherein the allegation urged in the writ petition were denied on the ground that upon receipt of various complaints regarding illegality and embezzlement in the project and scheme under the name and style of "Strengthening and Capacity Building of PHE Department ADP No. 228/100098 (2010-2011), Mr. Abdul Latif, Superintending Engineer, PHE, was deputed to probe into the matter and submit report, who accordingly pointed out certain illegalities and irregularities in the above said scheme, thus the matter was referred to the Provincial Inspection Team (PIT) for conducting fact finding inquiry. Resultantly, great monetary loss to the Government Treasury was observed by the P.I.T followed by the impugned final show cause notice. Hence this writ petition.

4. Heard. Record, available, gone through carefully.

5. Admittedly, the notice impugned has been served upon the petitioner pursuant to the inquiry

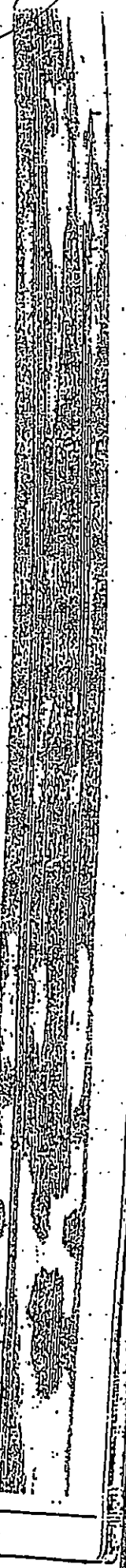
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conducted by the Provincial Inspection Team (PIT) on directions of the authority / the Chief Minister Khyber Pakhtunkhwa. ~~As find of evidence is not available on file to the effect that the petitioner was ever associated with the fact findings inquiry proceedings conducted by the Provincial Inspection Team, rather the entire proceedings had been conducted on his back.~~ According to Section 5 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, if the competent authority, on the basis of its own knowledge or information placed before it, is of the opinion that there are sufficient grounds for initiating proceedings against the Government Servant, under the rules, it shall proceed against the government servant for reasons to be recorded in writing and the delinquent shall also be provided an opportunity of personal hearing to defend. In the instant case, the impugned notice dated 11.2.2015, visibly is contrary to Rules on the subject and principle of natural justice enshrined in the maxim 'Audi Alteram Partem. Infact, the facts finding inquiry was a mere information, placing before the competent authority to initiate proceedings against remiss, but contrary to the procedure the respondents have taken penal action against the petitioner and the report of the inquiry has directly been made basis for recovery of amount mentioned in the

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impugned notice. The authority has not made adherence to the mandatory provisions of law and impugned notice has been issued without following due process of law. Moreso, on receipt of the report of the Provincial Inspection Team, the respondents/department was under legal obligation to comply with the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, ~~as the findings of the fact finding inquiry could not be made basis for taking any disciplinary action against the~~ petitioner. It has been time and again ruled by the august Supreme Court of Pakistan that every citizen has an unalienable right to enjoy the protection of law and to be treated in accordance with law and where an order has been passed by any forum or Court which was patently illegal and violative of law, would be amenable to judicial review of this Court under its constitutional jurisdiction. It is also well celebrated principle of law that where the law required an act to be done in particular manner it has to be done in that manner alone otherwise not. In the instant case as observed above respondent/competent authority has made deviation from the mandatory provisions of law; thus the impugned notice is not sustainable in the eye of law.

Lawyer

6. In this view of the matter, the instant writ petition is allowed. The impugned notice bearing

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Endorsement No. SO (Estt)/PHED/836/2014 dated

11.2.2015 ~~is set aside~~ however the department is at

~~liberty to proceed~~ the petition under the Government

Servants (Efficiency & Discipline) Rules, 2011 in

pursuance of the report of fact finding inquiry conducted

by the Provincial Inspection Team.

Sd/- Maghoz Alan Khan
Sd/- Roshid Amin Khan CHIEF JUSTICE

JUDGE

Announced on;
14th of June, 2016.
"Zawhad"

CERTIFIED TO BE TRUE COPY
(Signature)

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Annex

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To

The Secretary to Govt of Khyber Pakhtunkhwa,
Public Health Engineering Department,
Peshawar.

Secy to Govt of Khyber Pakhtunkhwa
Peshawar
Date: 08.09.17

Subject

INQUIRY REGARDING IRREGULARITIES &
EMBLEZZEMENT IN THE PROJECT "STRENGTHENING
AND CAPACITY BUILDING OF PHED ADP
NO.228/100098(2012-13)" COMMITTED BY PHE DIVISION
NOWSHERA

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11-09-2017

12-4-2017

Kindly refer to PHE Department letter No.SO(Estt)/PHED/8-36/2014
dated 09/09.2016 on the subject noted above.

The subject inquiry has been completed and is submitted alongwith
its enclosures (in original) for approval of the Competent Authority i.e. Chief
Minister, Khyber Pakhtunkhwa.

Hazrat Masaud Mian
(HAZRAT MASAUD MIAN)
(PAS-BS-20)
INQUIRY OFFICER

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- 10. PA to Deputy Secretary (Admn) PHED Khyber Pakhtunkhwa Peshawar
- 11. Officers/officials concerned.
- 12. Office Order/Personal Files.

SECTION OFFICER (ESTT:)

INQUIRY REPORT

Subject: INQUIRY REGARDING IRREGULARITIES & EMBLEZZLEMENT IN THE PROJECT "STRENGTHENING AND CAPACITY BUILDING OF PHED ADP NO.228/100098(2012-13)" COMMITTED BY PHE DIVISION NOWSHERA

Background

The undersigned were appointed as Inquiry Officers/Inquiry Committee by the Chief Minister Khyber Pakhtunkhwa vide his order No. SO(Estt)/PHED/8-36/2014 dated 09.09.2016 (Annex-A) to probe allegations levelled against Mr. Ghulam Mujtaba, Superintending Engineer, Public Health Engineering Department (hereinafter referred to as the accused). The Charge Sheet and Statement of Allegations duly signed by the Chief Minister Khyber Pakhtunkhwa were received with the aforementioned letter. Copy of fact finding inquiry conducted by Provincial Inspection Team (PIT) was also received along with the above mentioned documents (Annex-B).

Proceedings

The accused was summoned to the office of Secretary Finance FATA where the committee conducted its proceedings from date to date. First hearing took place on 19.09.2016 at 10.00 vide letter No.PS/FS(FATA)Inq/G.Mujtaba/337 dated 09.09.2016 (Annex-C) whereon copies of Charge Sheet and Statement of Allegations were personally delivered to the accused. He was asked to submit reply to the allegations contained in the charge sheet and to inform as to whether he wanted to be heard in person by the competent authority. Written reply of Mr. Ghulam Mujtaba (the accused) was received on 26.09.2016 (Annex-D). The Departmental representative Mr. Muhammad Tufail, Deputy Secretary attended the proceedings regularly to assist the committee in digging out the facts. Mr. Habib Rahim, Executive Engineer C&W Department was also available during all the hearings and actively assisted the committee in arriving at conclusion.

10. PA to Deputy Secretary (Admn) PHED Khyber Pakhtunkhwa Peshawar
11. Officers/officials concerned
12. Office Order/Personal Files.

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SECTION OFFICER (ESTT)

Another letter was written to the Executive Engineer Public Health Engineering Division Nowshera vide Chief Engineer (North) (member of Inquiry Committee) vide his letter No.95/65-4 dated 27/09/2016 (Annex-E) to provide relevant record of Approved PC-I, detail of Purchase Committee Members, detail of tenders and payments. In response to the letter, record was provided by Yasin Khan Sub Engineer o/o Executive Engineer PHE Division Nowshera.

Criteria adopted by the Committee:

From the perusal of the PIT report it reveals that the members of PIT have based their findings and conclusions on comparison of actual market rates with the rates approved by PHE Department while purchasing/procuring various items. But after thorough debate and discussions the committee arrived at the conclusion that it would be unfair to compare the payments with the market rates instead of comparing the same with the rates mentioned and duly approved in the PC-1. If the PC-1 rates were not in accordance with the prevailing market rates none but the authorities/persons preparing and approving PC-1 were responsible therefor. The accused was not involved in preparation of PC-1, therefore the difference of PC-1 rates with market rates, if any, cannot be ascribed to his fault.

The accused, who granted technical sanction of the PC-1 and in some cases made actual purchases by approving tenders can be held accountable/responsible to that extent. B&R Code and CPWD Code which are the bibles of Works Departments indicating the power limits of various categories of officers had to be followed by the accused if he was making the procurement as a part of a package approved in the form of PC-1. Under the aforementioned code the maximum limits by which the PC-1 rates can be exceeded by the engineers including Chief Engineer (who is procuring entity in the instant case) is 15 percent. Any payment in excess of 15% of the approved PC-1 rate is to be taken to the original forum of approval which in this case was PDWP. Similar is the case with material variations in quantity or specification which were to be got approved from original forum.

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In the forthcoming paras the conduct of the accused with regards to the allegations mentioned in the charge sheet has been analyzed in light of foregoing discussion.

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In response to the exorbitant rates of the procured items the accused told that PC-I approved rates have been used in the procuring of items. He also told that the PC-I has not been prepared/signed by him and it was prepared and signed by his predecessor. He also informed that the procured rate included 8% General Sales Tax, 6% Income Tax and 15% overheads in the shape of after sales services and contractor profit etc. He also told that he was then posted as Chief Engineer (South) PHE Department during the procurement process and the duty of chief engineer is of administrative nature and he has no responsibility of keeping quality and quantity control and cannot be involved in any kind of execution of Developmental or Procurement Process. In response to payment for services not procured he informed that as chief engineer he has no part in procurement process and this context refers to procurement body i.e. Divisional /Sub Divisional Level. In response to excess in purchase he informed that he has no role in quantity and quantity control.

Hajrat Mansoor Khan

Comparison of Approved PC-I and Technical Sanction Estimate

The comparison is given in the following table.

S No.	Description	Approved PC-I in Millions	Technical Sanction in Millions	Increase(+) Decrease (-)	Remarks
1	Vehicles	54.555	55.749	+1.194	
2	Computers/MIS including Survey Equipment	28.788	21.453	-7.335	
3	Rent /Utilities/ POL	5.280	0.000	-5.28	
4	Furniture and Fixtures	3.000	3.508	+0.508	
5	Training	4.768	8.788	+4.02	
		96.40	89.498	-6.902	

The above comparison shows that there is increase and decrease in every sub head cost. The increase in cost in item No. 5 is Rs.4.02 Million. In technical sanction (Annex-F) the amount has been spent on, (i.) Training Unit (Rs.3.289 Million) , (ii) Renovation /Rehabilitation of PHE Secretariat (Rs.3.288 Million) and (iii) Trainings (Rs.2.211 Million). So the expenditure of Rs.3.289

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SECTION OFFICER (ESTT:)

Million on Training Unit and the expenditure of Rs.3.288 Million on Renovation / Rehabilitation of PHE Secretariat, have been made in violation of approval of that included in PC-I (Annex-G).

From a perfunctory look at the table it would appear that the technically sanctioned cost is less than PC-1 cost. But in-depth appreciation/analysis as included in the following paras would reveal that the overall cost reduction has either been achieved through substandard purchases in some cases deleting some approved item from purchase list including other unapproved items which were beyond the competency of the Chief Engineer without referring the PC-1 for revision to the PDWP.

Findings

A. Normal Procurement

i. Stabilizer.

In the approved PC-I, cost of stabilizer is Rs.10500 each. Tender has been approved for Rs.10400 Per No. As per approved PC-I, 62 No. of stabilizers have been purchased. There is no loss to Govt: Exchequer in procurement of this item.

ii. UPS 2KVA.

In all documents like PC-I, TS estimate, Tender documents (Annex-II), T&P register, paid vouchers, 2 KVA UPS complete in all respect has been mentioned. As per PIT report 55 out total 62 purchased UPS units were of 1 KVA, thereby loss to Govt: Exchequer has been worked out as $55 \times 22500 = \text{Rs.}1237500$. Also in the paid voucher the specification of UPS has been given 2 KVA. Hence the specification has been changed at Divisional and Sub Divisional level during time of supply of the item. The accused cannot be held responsible for this loss because he approved tenders and accorded Technical Sanction for the items having specification and cost as per approved PC-I. The XEN, SDO and Sub Engineer concerned are responsible.

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SECTION OFFICER (ESTT:)

To establish loss to Govt: Exchequer on the part of Divisional and Sub Divisional Staff of PHE Division Nowshera, further investigation is needed to find out which type of UPS stabilizers have been provided to the Public Health Engineering Department offices of the Khyber Pakhtunkhwa Province and what was their actual cost?

iii. Multimedia.

No specification has been given in the PC-I. However the specification mentioned in tender has not been followed by Divisional/Sub Divisional staff in purchase. Even in the voucher and Technical Sanction, the same specification as in tender has been followed and submitted to the accused for technical sanction. But another type of Multimedia has been accepted from the supplier at Divisional and Sub Divisional Level. However there is a saving of Rs. 150000 as compared to the cost of the item in the PC-I.

No excess payment has been occurred in procurement of this item. However, responsibility for compromise in quality solely rests upon the XEN concerned.

iv. Photo Copier Machines 2 No.

No specification for 2 No. photo copier machines has been mentioned in PC-I. Two separate tenders have been called by Division Office (XEN). One tender has been approved by Divisional Office and other is approved by Superintending Engineer mentioning no specifications in both the tenders. There are 2 units in Technical sanction estimate also not mentioning any specifications. Keeping in view lack of specifications in PC-I and tender documents no responsibility can be fixed on the accused who was authority for technical sanction.

v. Furniture

Expenditure of 1200 Million has been made to Pak German Wood Working Centre, Peshawar in the year 2011. At present the furniture has been supplied to the PHE Department and no liability is left against the manufacturer/supplier in this regard. Delay in the supply by Pak German

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10. PA to Deputy Secretary (Admn) PHED Khyber Pakhtunkhwa Peshawar
11. Officers/officials concerned.
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SECTION OFFICER (ESTT:)

Hajrat Mansoor Khan

is a common feature due to their monopoly in the field created by Government instructions.

vi. Trainings.

Rs.2.211 has been spent on the item. In the available record Rs.1700,000/- has been paid to Human Resource Development Centre Institute of Management Sciences Peshawar (Annex-I). The expenditure includes payment to teaching staff, TA/DA to the participants and stationary charges etc. The payment has been made by Divisional and Sub Divisional staff of PHE Division Nowshera. Technical Sanction for the amount Rs.2.211 Million has been accorded by Engr. Ghulam Mujtaba as Chief Engineer South.

B. Procurement of low quality items.

i. Computers.

Computers 62 in number, with core i7 specifications were approved in the PC-I. Tender and technical sanction estimate mentioning Core i5 computers has been processed by the Divisional and Sub Divisional staff, recommended by Superintending Engineer and finally approved by the accused as Chief Engineer South, PHE Department.

Rate for Core i7 computer in approved PC-I =Rs.115000 per No.

Rate for Core i5 computer in Tender and TS =Rs.114500 per No.

Excess in payment due to change of specification of computers from core i7 to core i5 is given in the following detail.

As a result of market survey and consultation with IT experts it is concluded that core i5 computer is less in cost by 10% from core i7 computers.

Payment on computer core i5 is =114500 x 62 =Rs.7099000/-

Excess payment made is =10% of 7099000 =Rs.709900/-

For this excess payment the accused as Chief Engineer South (for approval of tender and according Technical Sanction for low quality computers as compared to approved PC-I) and concerned XEN, SDO

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10. PA to Deputy Secretary,
11. Officers/officials concerned.
12. Office Order/Personal Files.

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SECTION OFFICER (ESTT-)

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and Sub Engineer of PHE Department are held responsible who have committed the same charges. For incurrence of this loss five levels of government officials i.e. Sub-Engineer, SDO, XEN, Superintending Engineer and Chief Engineer have to share the responsibility.

ii. Printers

Approval in PC-I is for purchase of 62 No. printers (A4 HP laser Printers) @ Rs.43000 per No. Tenders have been called for HP 2055 printers. While HP 2035 printers instead of HP 2055 @ Rs.42800 per item have been purchased. As per record the specification of Printer has been changed at delivery stage from HP 2055 to HP 2035 by Divisional and Sub Divisional staff. While at Chief Engineer level tender for the specification as per PC-I, has been approved. No mala fide has been observed on the part of the accused. However he has given technical sanction to HP 2035 instead of HP 2055 in the technical sanction estimate on work done basis. He, as Chief Engineer South is responsible for according Technical Sanction estimate for HP 2035 printers which were of lower quality instead of HP 2055 printers which were of higher quality.

Tender Cost	=Rs.42800
Cost of printer HP 2035 as per page from Net (Annex-J)	=Rs.27999
Total overheads =8% GST +6% IT + 15% overheads	=29%
Per printer cost with overheads	=Rs.36119
Excess in purchase of 62 printers	=Rs.414422

The accused has technically sanctioned HP printers 2035 on work done basis, instead of HP 2055 printers and has thus committed irregularity.

iii. Server:

No specification has been mentioned for the item in the approved PC-I. At tender stage specifications have been mentioned which have not been followed by the procurement staff and low grade server has been installed. However as per expert opinion of IT specialist in FATA secretariat the cost of the installed unit is Rs.150000 causing excess

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11. Officers/officials concerned.

12. Office Order/Personal Files.

SECTION OFFICER (ESTT:)

Harjeet Mehta

cost amounting to Rs.250000 for which the Divisional and Sub Divisional staff is responsible.

In technical sanction documents the same specifications as per tender documents have been submitted for sanction to the accused as Chief Engineer for which he has granted technical sanction. Thus the accused is not at fault so far as purchase of this item is concerned.

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C. Irregular Procurement

i. Fax Machines.

35 No. fax machines have been purchased as per the following detail.

Tender: 32 @30000=Rs.960000: Tender has been approved at Chief Engineer Level (the accused).

Quotation by XEN:

3 @ 30000 =Rs.90000
Total = Rs.1.050 Million.

No specifications have been mentioned in the approved PC-I, Technical Sanction Estimate and Tender documents. Six offices of Public Health Engineering Department were inspected by the IT Expert of FATA Secretariat and found that Fax Machines have been installed (photos at Annex-K) which are superior in function and cost as compared to those mentioned in PC-I and TS estimate. In PC-I approved cost of the item is Rs.800000 and the total payment cost on the item is 1050000 which is Rs.250000 more than the approved cost. As far as rate of the fax machine is concerned it has been exceeded by 250000 which is beyond the permissible limit of Rs.130000.

Approved cost in PC-I =Rs.800,000/-
Maximum limit of PC-I cost including 15% more =Rs.920,000/-
Paid Cost =Rs.1050,000/-
Payment above maximum limit on the item =Rs.130,000/-

Rs.130,000/- is irregular payment on the item for which the Divisional and Sub Divisional Staff in held responsible. For according Technical Sanction to the amount Rs.1050,000/- including the irregular excess payment amounting to Rs.130,000/- the accused including Subordinate

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- 10. RN to Deputy Secretary (Admn) PHED Khyber Pakhtunkhwa Peshawar
- 11. Officers/officials concerned.
- 12. Office Order/Personal Files.

SECTION OFFICER (ESTT:)

Staff of field offices are held responsible. However it is to be seen that the quality purchased is far better than the quality approved.

ii. Digital Cameras

There was no provision for digital cameras in the approved PC-I and 3 cameras were procured by XEN. Tender has been approved by the XEN.

Payment made on the item = 3 x 18433 = Rs.55300.

Divisional and Sub Divisional staff is responsible for the irregular payment.

This payment has been technically sanctioned by the accused on the work done basis.

D. Items that have not been provided and Payment has been made:

a. Computerization of revenue record, water billing software

Payment has been made on "Computerization of revenue record, water billing software" and the item of work has not been completed.

Payment of Rs.600,000/- has been made for the item.

No specifications have been mentioned in the approved PC-I and tender documents for the item. The accused (the then Chief Engineer South PHE Department) accorded Technical Sanction for the item.

Hence the Divisional and Sub Divisional Staff of PHE Division Nowshera are responsible for the total payment on the item amounting to Rs.600,000 and failing to execute work through contractor/supplier.

The accused is not responsible for the losses resulted in the procurement of this item.

E. Payment has been on some Items having no provision in Approved PC-I:

i. Desert room coolers

12 number desert room coolers have been purchased @Rs.15000 per item having total payment Rs.180000 and there is provision in the approved cost estimate for 8 desert room coolers @ Rs.10000 per No. with total cost Rs.80000/-. The procurement has been made by the

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Hazrat Ahmad Niaz

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- 11. Officers/officials concerned.
- 12. Office Order/Personal Files.

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SECTION OFFICER (EST)

Divisional Office and Sub Divisional staff. Total payment on the item is Rs.180,000/-. The accused as Chief Engineer South, PHE Department has given Technical Sanction to the item, and approving excess rate for the item, making him responsible for giving Technical Sanction to excess payment on the item.

PC-I provision	=Rs.80000
Payment made	=Rs.180000
PC-I rate	=Rs.10000 per No.
Paid rate	=Rs.15000 per No.
Excess rate above permissible limit of 15%	=Rs.3500 per No.
Excess payment	=Rs.42000

The Divisional and Sub Divisional staff are also responsible for the excess payment on the item.

ii. Split Air Conditioners

4 number split air Conditioners were approved in the PC-I which have no further specifications of quality and tonnage capacity. These were tendered and technically sanctioned accordingly without any specifications.

Approved cost of 4 split units @ Rs.50000/- per unit	=Rs.200,000/-
Tender Cost	=Rs.70000 per unit
Payment made 3 units @ Rs.70,000/- per unit	=Rs.210,000/-
Maximum allowable rate including 15% above on PC-I	=Rs.57500/-
Excess rate paid per unit =Rs.70000 - Rs.57500	=Rs.12500/-
Total excess in the procurement of the item	=Rs.37500/-

For this payment, the accused, including the Divisional and Sub Divisional Staff are held responsible.

iii. Training Unit

Rs.3.289 Million has been spent on the item which has no provision in the approved PC-I. This amount has been spent on the following works.

11. Officers/officials concerned.
12. Office Order/Personal Files.

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SECTION OFFICER (ESTT:)

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- Civil work. This amount has been paid on repair and renovation work in the PHE Secretariat building. Tender for the item has been approved by the accused as Chief Engineer South. Also the item has been technically sanctioned by him. The cost of the item is Rs.1272349/-
- Conference System Networking. This expenditure has been made on the sound system of the conference room of the Public Health Engineering Secretariat. As noted above the tender and technical sanction has been accorded by the accused as Chief Engineer South. The cost on the item is Rs.1239400.
- Furniture/Furnishing. This item includes furnishing of the conference room of the PHE Secretariat with conference table and accessories. As noted above the tender and technical sanction has been accorded by the accused as Chief Engineer South. The cost on the item is Rs.776900.

iv. Renovation / Rehabilitation of PHE Secretariat.

An amount of Rs.3.288 has been spent on the renovation and rehabilitation of PHE Secretariat building. The tender as well technical sanction for the item has been accorded by the accused as Chief Engineer South. The following sub works have been carried out.

- Civil Work. The expenditure made is Rs.2233382 with contractor premium 29.5% above CSR 2009.
- Water Supply and Sanitation. The expenditure made is Rs.45631 with contractor premium.
- Electrification. The expenditure made is Rs.326158 with contractor premium.

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10. PA to Deputy Secretary (Admn) PHED Khyber Pakhtunkhwa-Peshawar
11. Officers/officials concerned.
12. Office Order/Personal Files.

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SECTION OFFICER (ESTT:)

94

Hazrat Mansoor Khan

F. Conclusion:

From the above discussion it is obvious that deviation has been made from the approved PC-I during making payments in the procurement of some of the items. The detail is given below.

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1. Losses to Govt: Exchequer for work has not been carried out according to specifications approved in PC-I and there is no fault in according Technical Sanction and Approval of Tender

S.No.	Description	Losses
i	Server has not been provided as per approved PC-I	Rs.250,000
ii	Computerization of revenue record, water billing software. Work not carried out.	Rs.600000
	Total	Rs.850000

Responsibility of losses on the accused for purchase/work not done and having no fault in according Technical Sanction and approval of tenders = 0

2. Losses to Govt: Exchequer due to approving tenders and according Technical Sanction for low quality items (or excess rate)

S No.	Description	Losses
i	Loss due purchase of 62 number core i5 Computers instead of i7.	Rs.709900
ii	Desert room coolers (excess rate and TS)	Rs.42000
iii	Split Air conditioners (Excess rate and TS)	Rs.37500
	Total loss to Govt: Exchequer	Rs.789400

Hajrat Mehtab Mehmood

3. Losses to Govt: Exchequer due to according Technical Sanction for low quality items

S.No.	Description	Losses
i	Loss due to purchase of 62 number HP 2035 printers instead of HP 2055	Rs.414222

4. Irregular payment due to excess purchase/work cost than maximum permissible limits of Approved PC-I and technical sanction has been given by Engr. Ghulam Mujtaba

ATTESTED

9. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar
10. PA to Deputy Secretary (Admn) PHED Khyber Pakhtunkhwa Peshawar
11. Officers/officials concerned.
12. Office Order/Personal Files.

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S.No.	Description	Irregular Payment In Million
i	Fax Machines (Excess than max: limits)	Rs.0.130
ii	Digital Cameras (No provision in PC-1)	Rs.0.0553
iii	Training Unit (No provision in PC-1)	Rs.3.289
iv	Renovation / Rehabilitation of PHE Secretariat. (No provision in PC-1)	Rs.3.288
	Total irregular payment	Rs.6.7623 Million

Total losses in S.No.2, 3 & 4 above is equal to Rs. 7.9659 million. For the losses amounting to Rs.7.9659 million, the accused, concerned Superintending Engineer, XEN, SDO and Sub-Engineer are responsible on equal share basis.

Share of reasonability on the accused is amounting to Rs. 1.593 million which is 20% of the total losses to government exchequer noted above.

There are two ways of looking into the matter. If we look into the expenditure in comparison with the total cost of PC-1, it is on the lower side and it seems that no irregularity has been committed. But if individual items are looked into in detail, it reveals that a lot of arbitrariness has been exercised in the process by spending amount allocated for one item on another and on items not included in PC-1 without the approval of competent forum i.e. PDWP.

Recommendation

On the basis of findings and conclusions of this report the Inquiry Committee recommends that the recovery of loss to government exchequer amounting to Rs.1.593 million attributable to negligence and failure to supervise properly may be made from the accused (Engr Ghulam Mujtaba, Superintending

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10. PA to Deputy Secretary (Admn) PHED Khyber Pakhtunkhwa Peshawar
11. Officers/officials concerned.
12. Office Order/Personal Files.

SECTION OFFICER (ESTT:)

Engineer BPS-19) under Rule-4(a), (iii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

97

(Syed Daud Jan)
 (BPS-20)
 Inquiry Officer.
 (Retired from
 Service since 12-1-2017)

Hazrat Masud Mian
 (Hazrat Masud Mian)
 (PAS-BS-20)
 Inquiry Officer

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- 10. PA to Deputy Secretary (Admn) PHED Khyber Pakhtunkhwa Peshawar
- 11. Officers/officials concerned.
- 12. Office Order/Personal Files.

~~ATTESTED~~ SECTION OFFICER (ESTT:)

Annex H

~~Annex H~~

98

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ESTABLISHMENT AND ADMINISTRATION DEPARTMENT.

NOTIFICATION

Peshawar dated the 16th September, 2011.

No.SO(REG-VI)E&AD/2-6/2010.-In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Chief Minister of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

1. **Short title, application and commencement.**---(1) These rules may be called the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

(2) These shall apply to every person who is a member of the civil service of the Province or is the holder of a civil post in connection with the affairs of the Province and shall also apply to or in relation to a person in temporary employment in the civil service or post in connection with affairs of the Province.

(3) These shall come into force at once.

2. **Definitions.**---(1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) "accused" means a person in Government service against whom action is initiated under these rules;
- (b) "appellate authority" means the authority next above the competent authority to which an appeal lies against the orders of the competent authority;
- (c) "appointing authority" means an authority declared or notified as such by an order of Government under the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and the rules made thereunder or an authority as notified under the specific laws/rules of Government;
- (d) "charges" means allegations framed against the accused pertaining to acts of omission or commission cognizable under these rules;

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- (e) "Chief Minister" means the Chief Minister of the Khyber Pakhtunkhwa;
- (f) "competent authority" means-
 - (i) the respective appointing authority;
 - (ii) in relation to a Government servant of a tribunal or court functioning under Government, the appointing authority or the Chairman or presiding officer of such tribunal or court, as the case may be, authorized by the appointing authority to exercise the powers of the competent authority under these rules:

Provided that where two or more Government servants are to be proceeded against jointly, the competent authority in relation to the accused Government servant senior most shall be the competent authority in respect of all the accused.

- (g) "corruption" means-
 - (i) accepting or obtaining or offering any gratification or valuable thing, directly or indirectly, other than legal remuneration, as a reward for doing or for bearing to do any official act; or
 - (ii) dishonestly or fraudulently misappropriating, or indulging in embezzlement or misusing Government property or resources; or
 - (iii) entering into plea bargain under any law for the time being in force and returning the assets or gains acquired through corruption or corrupt practices voluntarily; or
 - (iv) possession of pecuniary sources or property by a Government servant or any of his dependents or any other person, through his or on his behalf, which cannot be accounted for and which are disproportionate to his known sources of income; or
 - (v) maintaining a standard of living beyond known sources of income; or
 - (vi) having a reputation of being corrupt;

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- (h) "Governor" means the Governor of the Khyber Pakhtunkhwa;
- (i) "inefficiency" means failure to efficiently perform functions assigned to a Government servant in the discharge of his duties;
- (j) "inquiry committee" means a committee of two or more officers, headed by a convener, as may be appointed by the competent authority under these rules;
- (k) "inquiry officer" means an officer appointed by the competent authority under these rules;
- (l) "misconduct" includes-
 - (i) conduct prejudicial to good order or service discipline; or
 - (ii) conduct contrary to the Khyber Pakhtunkhwa Province Government Servants (Conduct) Rules, 1987, for the time being in force; or
 - (iii) conduct unbecoming of Government servant and a gentleman; or
 - (iv) involvement or participation for gains, directly or indirectly, in industry, trade, or speculative transactions by abuse or misuse of official position to gain undue advantage or assumption of such financial or other obligations in relation to private institutions or persons as may compromise the performance of official duties or functions; or
 - (v) any act to bring or attempt to bring outside influence, directly or indirectly, to bear on the Governor, the Chief Minister, a Minister or any other Government officer in respect of any matter relating to the appointment, promotion, transfer or other conditions of service; or
 - (vi) making appointment or promotion or having been appointed or promoted on extraneous grounds in violation of any law or rules; or
 - (vii) conviction for a moral offence by a court of law.

(2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Khyber Pakhtunkhwa Province Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) or any other statutory order or rules of Government for the time being in force.

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3. Grounds for proceedings.---A Government servant shall be liable to be proceeded against under these rules, if he is-

- (a) inefficient or has ceased to be efficient for any reason; or
- (b) guilty of misconduct; or
- (c) guilty of corruption; or
- (d) guilty of habitually absenting himself from duty without prior approval of leave; or
- (e) engaged or is reasonably believed to be engaged in subversive activities, or is reasonably believed to be associated with others engaged in subversive activities, or is guilty of disclosure of official secrets to any un-authorized person, and his retention in service is prejudicial to national security; or
- (f) entered into plea bargaining under any law for the time being in force and has returned the assets or gains acquired through corruption or corrupt practices voluntarily.

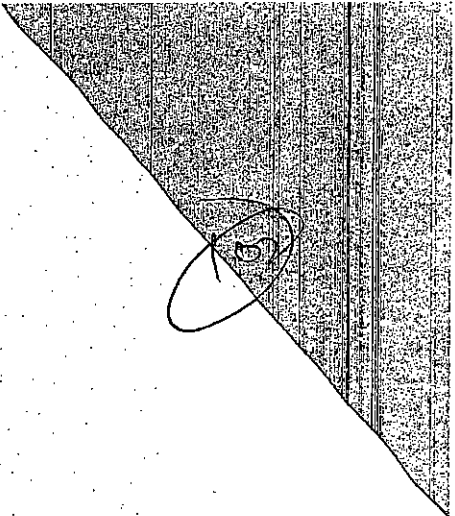
4. Penalties.---(1) The following are the minor and the major penalties, namely:

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

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

- (iii) recovery of the whole or any part of any pecuniary loss caused to Government by negligence or breach of order;
- (b) Major penalties:
 - (i) reduction to a lower post or pay scale or to a lower stage in a time scale.

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- (ii) compulsory retirement;
- (iii) removal from service; and
- (iv) dismissal from service.

(2) Dismissal from service under these rules shall disqualify a Government servant from future employment under Government.

(3) Any penalty under these rules shall not absolve a Government servant from liability to any other punishment to which he may be liable for an offence, under any other law, committed by him while in service.

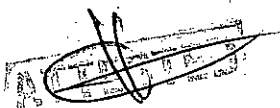
5. Initiation of proceedings.—(1) If on the basis of its own knowledge or information placed before it, the competent authority is of the opinion that there are sufficient grounds for initiating proceedings against a Government servant under these rules it shall either:-

- (a) proceed itself against the accused by issuing a show cause notice under rule 7 and, for reasons to be recorded in writing, dispense with inquiry;

Provided that no opportunity of showing cause or personal hearing shall be given where-

- (i) the competent authority is satisfied that in the interest of security of Pakistan or any part thereof, it is not expedient to give such an opportunity; or
- (ii) a Government servant has entered into plea bargain under any law for the time being in force or has been convicted on the charges of corruption which have led to a sentence of fine or imprisonment; or
- (iii) a Government servant is involved in subversive activities; or
- (iv) it is not reasonably practicable to give such an opportunity to the accused; or
- (b) get an inquiry conducted into the charge or charges against the accused, by appointing an inquiry officer or an inquiry committee, as the case may be, under rule 11:

Provided that the competent authority shall dispense with the inquiry where-



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- (i) a Government servant has been convicted of any offence other than corruption by a court of law under any law for the time being in force; or
- (ii) a Government servant is or has been absent from duty without prior approval of leave:

Provided that the competent authority may dispense with the inquiry where it is in possession of sufficient documentary evidence against the accused or, for reasons to be recorded in writing, it is satisfied that there is no need to hold an inquiry.

(2) The charge sheet or statement of allegations or the show cause notice, as the case may be, shall be signed by the competent authority.

6. Suspension.—A Government servant against whom action is proposed to be initiated under rule 5 may be placed under suspension for a period of ninety days, if in the opinion of the competent authority, suspension is necessary or expedient, and if the period of suspension is not extended for a further period of ninety days within thirty days of the expiry of initial period of suspension, the Government servant shall be deemed to be reinstated:

Provided that the competent authority may, in appropriate case, for reasons to be recorded in writing, instead of placing such person under suspension, require him to proceed on such leave as may be admissible to him, from such date as may be specified by the competent authority.

7. Procedure where inquiry is dispensed with.—If the competent authority decides that it is not necessary to hold an inquiry against the accused under rule 5, it shall-

- (a) inform the accused by an order in writing, of the grounds for proceeding against him, clearly specifying the charges therein, alongwith apportionment of responsibility and penalty or penalties proposed to be imposed upon him;
- (b) give him a reasonable opportunity of showing cause against the proposed action, within seven days of receipt of the order or within such extended period, as the competent authority may determine;
- (c) on receipt of reply of the accused within the stipulated period or after the expiry thereof, if no reply is received, determine whether

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the charge or charges have been proved against the accused or not:

Provided that after receipt of reply to the show cause notice from the accused, the competent authority, except where the Chief Minister himself is the competent authority, shall decide the case within a period of ninety days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons:

Provided further that if the case is not decided by the competent authority within the prescribed period of ninety days, the accused may file an application before the appellate authority for early decision of his case, which may direct the competent authority to decide the case within a specified period;

- (d) afford an opportunity of personal hearing before passing any order of penalty under clause (f), if it is determined that the charge or charges have been proved against him;
- (e) exonerate the accused, by an order in writing, if it is determined that the charge or charges have not been proved against him; and
- (f) impose any one or more penalties mentioned in rule 4, by an order in writing, if the charge or charges are proved against the accused:

Provided that where charge or charges of grave corruption are proved against an accused, the penalty of dismissal from service shall be imposed, in addition to the penalty of recovery, if any.

8. Action in case of conviction or plea bargain under any law.—Where a Government servant is convicted by a court of law on charges of corruption or moral turpitude or has entered into plea bargain and has returned the assets or gains acquired through corruption or corrupt practices, or has been acquitted by a court of law as a result of compounding of an offence involving moral turpitude under any law for the time being in force, the competent authority, after examining facts of the case, shall-

- (a) dismiss the Government servant where he has been convicted on charges of corruption or moral turpitude or has entered into plea bargain and has returned the assets or gains acquired through corruption or corrupt practices voluntarily;

Provided that dismissal in these cases shall be with immediate effect from the date of conviction by a court of law; and

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- (b) proceed against the Government servant under rule 5, where he has been convicted of charges other than corruption or moral turpitude.

9. Procedure in case of wilful absence.—Notwithstanding anything to the contrary contained in these rules, in case of wilful absence from duty by a Government servant for seven or more days, a notice shall be issued by the competent authority through registered acknowledgement on his home address directing him to resume duty within fifteen days of issuance of the notice. If the same is received back as undelivered or no response is received from the absentee within stipulated time, a notice shall be published in at least two leading newspapers directing him to resume duty within fifteen days of the publication of that notice, failing which an ex-parte decision shall be taken against the absentee. On expiry of the stipulated period given in the notice, major penalty of removal from service may be imposed upon such Government servant.

10. Procedure to be followed by competent authority where inquiry is necessary.—(1) If the competent authority decides that it is necessary to hold an inquiry against the accused under rule 5, it shall pass an order of inquiry in writing, which shall include—

- (a) appointment of an inquiry officer or an inquiry committee, provided that the inquiry officer or the inquiry committee, as the case may be, shall be of a rank senior to the accused and where two or more accused are proceeded against jointly, the inquiry officer or the convener of the inquiry committee shall be of a rank senior to the senior most accused;
- (b) the grounds for proceeding, clearly specifying the charges along with apportionment of responsibility;
- (c) appointment of the departmental representative by designation; and
- (d) direction to the accused to submit written defense to the inquiry officer or the inquiry committee, as the case may be, within reasonable time which shall not be less than seven days and more than fifteen days of the date of receipt of orders.

(2) The record of the case and the list of witnesses, if any, shall be communicated to the inquiry officer or the inquiry committee, as the case may be, along with the orders of inquiry.

(3) In a case where preliminary or fact finding inquiry was conducted, and the competent authority decides to hold formal inquiry, the inquiry officer or the inquiry committee for the purpose of conducting formal inquiry shall be different from the inquiry officer or the inquiry committee which conducted the preliminary inquiry.

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11. Procedure to be followed by inquiry officer or inquiry committee.—(1) On receipt of reply of the accused or on expiry of the stipulated period, if no reply is received from the accused, the inquiry officer or the inquiry committee, as the case may be, shall inquire into the charges and may examine such oral or documentary evidence in support of the charges or in defense of the accused as may be considered necessary and where any witness is produced by one party, the other party shall be entitled to cross-examine such witness.

(2) If the accused fails to furnish his reply within the stipulated period, the inquiry officer or the inquiry committee, as the case may be, shall proceed with the inquiry ex-parte.

(3) The inquiry officer or the inquiry committee, as the case may be, shall hear the case on day to day and no adjournment shall be given except for reasons to be recorded in writing, in which case it shall not be of more than seven days.

(4) Statements of witnesses and departmental representative(s), if possible, will be recorded in the presence of accused and vice versa.

(5) Where the inquiry officer or the inquiry committee, as the case may be, is satisfied that the accused is hampering or attempting to hamper the progress of the inquiry, he or it shall administer a warning and if, thereafter, he or it is satisfied that the accused is acting in disregard to the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as may be deemed expedient in the interest of justice.

(6) If the accused absents himself from the inquiry on medical grounds, he shall be deemed to have hampered or attempted to hamper the progress of the inquiry, unless medical leave, applied for by him, is sanctioned on the recommendations of a Medical Board; provided that the competent authority may, in its discretion, sanction medical leave up to seven days without such recommendations.

(7) The inquiry officer or the inquiry committee, as the case may be, shall submit his or its report, to the competent authority within thirty days of the initiation of inquiry:

Provided that the inquiry shall not be vitiated merely on the grounds of non-observance of the time schedule for completion of the inquiry.

12. Powers of the inquiry officer or inquiry committee.—(1) For the purpose of an inquiry under these rules, the inquiry officer or the inquiry committee, as the case may be, shall have the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908 (Act No.V of 1908), in respect of the following matters, namely:

- (a) summoning and enforcing the attendance of any person and examining him on oath;

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- (b) requiring the discovery and production of documents, and receiving evidence on affidavits; and
- (c) issuing commissions for the examination of witnesses or documents.

(2) The proceedings under these rules shall be deemed to be the judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

13. Duties of the departmental representative.—The departmental representative shall perform the following duties, namely:

- (a) render full assistance to the inquiry officer or the inquiry committee, as the case may be, during the proceedings where he shall be personally present and fully prepared with all the relevant record relating to the case, on each date of hearing;
- (b) cross-examine the witnesses produced by the accused, and with the permission of the inquiry officer or inquiry committee, as the case may be, may also cross-examine the prosecution witnesses; and
- (c) rebut the grounds of defense offered by the accused before the inquiry officer or the inquiry committee, as the case may be.

14. Order to be passed on receipt of report from the inquiry officer or inquiry committee.—(1) On receipt of report from the inquiry officer 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.

(4) Where the charge or charges have been proved against the accused, the competent authority shall issue a show cause notice to the accused by which it shall-

- (a) Inform him of the charges proved against him and the penalty or penalties proposed to be imposed upon him;

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- (b) give him reasonable opportunity of showing cause against the penalty or penalties proposed to be imposed upon him and to submit as to why one or more of the penalties as provided in rule 4 may not be imposed upon him and to submit additional defense in writing, if any, within a period which shall not be less than seven days and more than fifteen days from the day the charge or charges have been communicated to him: provided that the accused shall, in his reply to show cause notice, indicate as to whether he wants to be heard in person or not;
- (c) Provide a copy of the inquiry report to the accused; and
- (d) Direct the departmental representative to appear, with all the relevant record, on the date of hearing.

(5) After affording personal hearing to the accused the competent authority shall, keeping in view the findings and recommendations of the inquiry officer or inquiry committee, as the case may be, facts of the case and defense offered by the accused during personal hearing, by an order in writing-

- (i) Exonerate the accused if charges had not been proved; or
- (ii) Impose any one or more of the penalties specified in rule 4 if charges have been proved.

(6) Where the competent authority is satisfied that the inquiry proceedings have not been conducted in accordance with the provisions of these rules or the facts and merits of the case have been ignored or there are other sufficient grounds, it may, after recording reasons in writing, either remand the inquiry to the inquiry officer or the inquiry committee, as the case may be, with such directions as the competent authority may like to give, or may order a de novo inquiry through different inquiry officer or inquiry committee.

(7) After receipt of reply to the show cause notice and affording opportunity of personal hearing, the competent authority shall decide the case within a period of fifteen days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons.

(8) If the case is not decided by the competent authority within the prescribed period of fifteen days, the accused may submit an application before the appellate authority for early decision of his case, which may direct the competent authority to decide the case within a specified period.

15. Personal hearing.--The competent authority may, by an order in writing, call the accused and the departmental representative, alongwith relevant record of the case, to appear before him, for personal hearing on the fixed date and time.

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16. Procedure of inquiry against Government servant lent to other governments or organizations etc.---(1) Where the services of Government servant to whom these rules apply are transferred or lent to any other government department, corporation, corporate body, autonomous body, authority, statutory body or any other organization or institution, hereinafter referred to as the borrowing organization, the competent authority for the post against which such Government servant is posted in the borrowing organization may-

- (a) Suspend him under rule 6; and
- (b) Initiate proceedings against him/her under these rules:

Provided that the borrowing organization shall forthwith inform the authority which has lent his services, (hereinafter referred to as the lending organization) of the circumstances leading to the order of his suspension or the initiation of the proceedings, as the case may be:

Provided further that the borrowing organization shall obtain prior approval of the competent authority in the lending organization before taking any action under these rules against a Government servant holding a post in basic pay scale 17 or above.

(2) If, in the light of findings of the proceedings taken against the accused in terms of sub rule (1), the borrowing organization is of the opinion that a penalty may have to be imposed on him, it shall transmit the record of the proceedings to the lending organization, and the competent authority in the lending organization shall thereupon take action against the accused under rule 14.

(3) Notwithstanding anything to the contrary contained in sub-rules (1) and (2), the Chief Minister may, in respect of certain Government servant or class of Government servants to whom these rules apply, authorize any officer or authority in the borrowing organization to exercise all the powers of the competent authority under these rules.

17. Departmental appeal and review.---(1) An accused who has been awarded any penalty under these rules may, within thirty days from the date of communication of the order, prefer departmental appeal to the appellate authority:

Provided that where the order has been passed by the Chief Minister, the accused may, within the aforesaid period, submit a review petition directly to the Chief Minister.

(2) The authority empowered under sub-rule (1) shall call for the record of the case and comments on the points raised in the appeal from the concerned

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department or office, and on consideration of the appeal or the review petition, as the case may be, by an order in writing-

- (a) Uphold the order of penalty and reject the appeal or review petition; or
- (b) Set aside the orders and exonerate the accused; or
- (c) Modify the orders or reduce the penalty.

(3) An appeal or review petition preferred under these rules shall be made in the form of a petition, in writing, and shall set forth concisely the grounds of objection in impugned order in a proper and temperate language.

18. Appearance of counsel.---No party to any proceedings under these rules at any stage of the proceedings, except proceedings under rule 19, shall be represented by an advocate.

19. Appeal before Khyber Pakhtunkhwa Province Service Tribunal.---(1) Notwithstanding anything contained in any other law or rules for the time being in force, any Government servant aggrieved by any final order passed under rule 17 may, within thirty days from the date of communication of the order, prefer an appeal to the Khyber Pakhtunkhwa Province Service Tribunal established under the Khyber Pakhtunkhwa Province Service Tribunals Act, 1974 (Khyber Pakhtunkhwa Act No. I of 1974).

(2) If a decision on a departmental appeal or review petition, as the case may be, filed under rule 17 is not communicated within a period of sixty days of filing thereof, the affected Government servant may file an appeal in the Khyber Pakhtunkhwa Province Service Tribunal within a period of thirty days of the expiry of the aforesaid period, whereafter, the authority with whom the departmental appeal or review petition is pending, shall not take any further action.

20. Exception.---Notwithstanding anything to the contrary contained in these rules, in cases where Government servants collectively strike work, wilfully absent themselves from duty or abandon their official work, the competent authority in respect of the senior most accused may serve upon them, through newspapers or any other mean, such notice as may be deemed appropriate to resume duty and in the event of failure or refusal to comply with the directive contained in the notice, impose upon the defaulting Government servants any of the major penalties prescribed in these rules.

21. Indemnity.---No suit, prosecution or other legal proceedings shall lie against the competent authority or any other authority for anything done or intended to be done in good faith under these rules or the instructions or directions made or issued there-under.

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22. Jurisdiction barred.—Save as provided under these rules, no order made or proceedings taken under these rules shall be called in question in any court and no injunction shall be granted by any court in respect of any decision so made or proceedings taken in pursuance of any power conferred by, or under these rules.

23. Repeal.—(1) The Khyber Pakhtunkhwa government servants (Efficiency & Discipline) Rules, 1973 are hereby repealed.

(2) Notwithstanding the repeal of the aforesaid rules, all proceedings pending immediately before the commencement of these rules against any Government servant under repealed rules shall continue under these rules.

(3) Notwithstanding the repeal of the aforesaid rules, all proceedings pending immediately before the commencement of these rules against any employee under the said repealed rules or under the Khyber Pakhtunkhwa Civil Servants Act, 1973 and rules made thereunder, or any other law and rules shall continue under that law and rules, in the manner provided thereunder.

SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT.

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GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ESTABLISHMENT AND ADMINISTRATION DEPARTMENT.

NOTIFICATION

Peshawar dated the 18th July, 2012.

No.SO(REG-VI)E&AD/2-6/2010.-In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Chief Minister of the Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa (Efficiency & Discipline) Rules,2011, the following amendments shall be made, namely:

AMENDMENTS

1. In rule 4, in sub rule (1), in clause (b), for sub-clause (i), the following shall be substituted, namely:
“(i) reduction to a lower post of pay scale or to a lower stage in a time scale for a maximum period of five years:
Provided that on restoration to original pay scale or post, the penalized Government servant will be placed below his erstwhile juniors promoted to higher posts during subsistence of the period of penalty;”
2. In rule 8, in clause (a), in the proviso, the word “immediate Committee”, occurring second time, the words “subject to sub-rule (7) of rule 11” shall be added.
3. In rule 14, in sub-rule (6), after the words “Inquiry Committee”, occurring second time, the words “subject to sub-rule (7) of rule 11” shall be added.
4. In rule 19, in sub-rule (2), for the word “thirty”, the word “ninety” shall be substituted.
5. Rule 22 shall be deleted.

**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**

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~~Annex A~~

GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

No.SO(Estt)/PHED/8-36/2014
Dated Peshawar, the December 04, 2017

Annex I

MOST IMMEDIATE

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To
The Accountant General,
Khyber Pakhtunkhwa, Peshawar

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

I am directed to refer to the subject noted above and to state that after getting approval of the competent authority, the subject formal inquiry was conducted by Mr. Hazrat Masood Mian (PAS BS-20), the then Secretary Finance FATA Secretariat Peshawar. The Inquiry Officer recommended the recovery of Rs.1.0621 million from Mr. Sanobar Khan, ex-Chief Engineer (BS-20) Public Health Engineering Department, for the irregularities committed in the project "Strengthening and Capacity Building Of PHED ADP No.242/100098 (2011-12)".

2. Subsequently, the Competent Authority after having considered the charges, material on record, inquiry report and in exercise of his powers conferred under Rule-14 (5) (ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to approve "Recovery of Rs. 1.0621 million" from the pension of Mr. Sanobar Khan, ex-Chief Engineer (BS-20) PHE Department, as he has been retired from service on 30-08-2016.

3. In view of the above, it is requested to please take necessary action for "recovery of Rs. 1.0621 million" from pension of the ex-officer concerned on account of pecuniary loss to the Government exchequer, under intimation to this department

SECTION OFFICER (ESTT)

ENDST: NO & DATE AS ABOVE:

Copy of the above alongwith a copy of the decision of competent is forwarded for information to Mr. Sanobar Khan, Chief Engineer PHE (retired), R/o House No.33, Street No.2, Sector N-4, Pahse-IV, Hayat Abad Peshawar.

SECTION OFFICER (ESTT)

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Annex J

To

The Secretary Public Health Engg:
Khyber Pakhtunkhwa Peshawar

114

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

Reference: - Your letter No. SO (Estt)/PHED/8-36/2014 dated 04/12/2017 addressed to Accountant General of KPK

Please refer to your above letter (Annex-A) and in this regard, I submit the following facts into your knowledge to let you understand the factual position of the case. It is cleared that due to some confusion in your Secretariat Office the losses reported in the tenure of some other Superintending Engineer has been placed against me erroneously.

2. I retired as Chief Engineer PHED on 30.08.2016 (Annex B)
3. I remained Superintending Engineer Peshawar from 06.01.2010 to 01.08.2011 (Annex C)
4. From 01.08.2011 to 29.05.2013 I was Chief Engineer (North), having no jurisdiction over District Nowshera.
5. The inquiry report by itself is defective due to not signing by one of the important technical member Sayed Muhammad Daud Jan, the then Chief Engineer (C&W) and action on this defective inquiry is violation of rules and regulation. In the recommendation, the inquiry officer only recommended losses only from Mr. Ghulam Mujtaba the then Chief Engineer and there is no recommendation of recovery from other officers (Annex D).
6. Also the undersigned has not been given any chance to be informed or heard in person to explain my viewpoints.

The Secretariat Office placed the losses against me blindly without checking my incumbency period, which may be ignorance of the Secretariat staff.

Following are the details of those losses mentioned in the inquiry report (Annex D) and the record of the work orders, technical sanction estimate/letter, vouchers etc. which are almost all done in the year of 2012, where I was Chief Engineer (North) having no concern with Nowshera District.

- i. Loss of Rs.709,900/- for purchase of computer. In this regard it is stated that the tender was approved by the then Chief Engineer Ghulam Mujtaba. The rates were covered in the technically sanctioned estimate vide No. 02/2-PHE dated: 12.06.2012 and it is not signed by me as I was Chief Engineer (North) at that time (Annex E).
- ii. Loss of Rs. 42,000/- for desert cooler. The work order issued vide Executive Engineer PHE Division Nowshera No. 07/WO dt: 15.06.2012, which is not my tenure (Annex F)
- iii. Loss of Rs. 37,500/- for split AC work order issued vide Chief Engineer (South) No. 14/G-2/PHE dated: 13.06.2012, wherein I was Chief Engineer (North) in this time (Annex G)

ATTESTED

(Contd P/2)

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- iv. Loss to Govt. exchequer due to according technical sanction for low quality items of Rs. 414,000/-.
As already stated that the undersigned is totally not involved in the A.A as well as in Technical Sanctioned estimate.
- v. Loss of Rs. 0.130 (M) for Fax Machine. Work order issued vide Executive Engineer PHE Division Nowshera No. 04/WO dt: 15.06.2012, which is also not my tenure. (Annex H)
- vi. Digital cameras, loss Rs. 0.0553 (M) I am not involved in approving or giving technical sanction.
- vii. Recovery of Rs. 3.289 (M) for training unit and Rs. 3.288 (M) for renovation of Secretariat.

In this regard it is stated that the work order of the work was issued vide Chief Engineer (South) PHED No. 31/G-2/PHE dated: 24.02.2012 for Rs. 30,36,649/- (Annex I) and further enhancement from Rs. 30,36,649/- to Rs. 65,77,000/- was accorded by the then Chief Engineer (South) PHED vide letter No. 16/G-2/PHE dated: 13.06.2012 (Annex J)

At the time of issuing work order execution of work and enhancement process the undersigned was posted as Chief Engineer (North) having no concern with Nowshera District being under jurisdiction of Chief Engineer (South).

As per produced records and references the undersigned is justified to blame the Secretary Office for not delivering as per rules and justice.

It is therefore requested that the letter of losses written to Accountant General Office may please be immediately withdrawn, otherwise in case of pension stoppage; I will be compelled to knock the doors of justice and sue the Secretary Office for wrong and illegal notice and putting me in mental turmoil.

Thanks.

Sanobar Khan
13-12

[Signature]
SANOBAR KHAN
CHIEF ENGINEER (RETIRED) PHED

1. Copy of the above letter is forwarded to Accountant General Khyber Pakhtunkhwa with request that the above mentioned letter is disputed and based on false charges. Therefore, my pension may please not be stopped till the clarification by Secretary PHED office.

Dated 13 /12/2017

Secretary P.H.E. Deptt:
Entry No. 2222
Date: 13-12

[Signature]
SANOBAR KHAN
CHIEF ENGINEER (RETIRED) PHED

ATTESTED

[Signature]
ATTESTED