BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 381 /2023

Zulfiqar Ul Mulk (DEO (M) Mardan) S/O Ihsan Uddin R/O Mohallah Ali Garh, Post Office Khas, Akora Khattak Tehsil and District Nowshera

.....(Appellant)

VERSUS

Govt of KPK through Secretary Elementary and Secondary Education Civil Secretariate Peshawar and others

..... (Respondents)

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Appellant

Through

Amjad Ali (Mardan)
Advocate
Supreme Court of Pakistan

Dated: 15/02/2023

Amjad Ali
ADVOCATE
SUPREME COURT

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 381 /2023

Zulfiqar Ul Mulk (DEO (M) Mardan) S/O Ihsan Uddin R/O Mohallah Ali Garh, Post Office Khas, Akora Khattak Tehsil and District Nowshera

.....(Appellant)

VERSUS

1. Govt of KPK through Secretary Elementary and Secondary Education Civil Secretariate Peshawar.
2. Chief Secretary Khyber Pakhtunkhwa at Civil Secretariat Peshawar
3. Chief Minister Khyber Pakhtunkhwa at Chief Minister Secretariat Peshawar
4. Secretary Elementary and Secondary Education Civil Secretariate Peshawar.
5. Zahid Muhammad (District Education Officer Bannu)

.....(Respondents)

SUBJECT: **Appeal under Section 4 of Service Tribunal Act against the notification/order dated 20th January 2023 passed by the respondent no 3 (i.e competent authority) wherein the major penalty of compulsory retirement imposed through order dated 01/12/2022 passed by respondent no 4 has been reduced to withholding of two annual increments for two years on review/appeal dated 03/12/2022 of appellant and posting/transfer order dated 10/02/2023 wherein respondent no 5 is posted as DEO(M) Mardan in contravention of the notification/order dated 20th January 2023 are illegal against law and facts without lawful authority, void ab initio and liable to be set aside and appellant is liable to be exonerated of the charges leveled against him.**

Respected Sir,

Appellant humbly submits as under:

1. That appellant is a permanent resident of District

Nowshera **(Copy of the CNIC of appellant is attached as Annexure A)**

2. That appellant has performed his duty as District Education Officer to the entire satisfaction of his superiors and there is no complaint against the appellant in the past.

3. That a complaint dated 01/06/2020 was lodged against the appellant by a Member of the Provincial Assembly namely Maulana Hidayat ur Rehman on his letter pad that the appellant has not complied with his directions for appointment of class-IV amongst the land donors in Chitral while serving as District Education Officer (M) Chitral **(Copy of the complaint dated 01/06/2020 is attached as Annexure B)**

4. That a fact finding report was given on 16/11/2020 wherein appellant in absence but was recommended for a minor penalty of warning to be careful for negligence in future **(Copy of the fact finding inquiry report dated 16/11/2020 is attached as Annexure C)**

5. That the worthy Chief Secretary KP in violation of the recommendation of the fact finding inquiry report dated 16/11/2020 and without asking for another inquiry, issued a charge sheet mentioning the same charges wherein appellant was recommended for warning to be careful in future as not to repeat such negligence in future **(Copy of the charge sheet is attached as Annexure D)**

6. That inquiry officers were appointed vide order dated 22th September 2021 **(Copy of the inquiry constitution order dated 22th September 2021 is attached as Annexure E)**

7. That appellant submitted a detailed reply to the charge sheet **(Copy of the reply to the charge sheet is attached as Annexure F)**

8. That the inquiry committee conducted the inquiry in question answer form which is against the famous judgment of the Honorable Supreme Court of Pakistan reported in 1993 SCMR 1440 **(Copy of the inquiry questionnaire/answers is attached as Annexure G & Copy of the judgment reported in 1993 SCMR 1440 is attached as Annexure H)**

9. That during disciplinary proceedings, appellant was posted as District Education Officer (M) Mardan vide posting order dated 29/11/2021 **(Copy of the posting order dated 29/11/2021 is attached as Annexure I)**

10. That a show cause notice dated 28/02/2022 was issued by the worthy Chief Minister wherein a major penalty of removal from service was proposed **(Copy of the show cause notice dated 28/02/2022 is attached as Annexure J)**

11. That appellant properly replied to the show cause notice **(Copy of the reply to show cause notice is attached as Annexure K)**

12. That vide notification/order dated 1st December 2022, the respondent no 3 imposed major penalty of compulsory retirement upon the appellant **(Copy of the notification/order dated 1st December 2022 is attached as Annexure L)**

13. That appellant filed review petition dated 03/12/2022 before the competent authority/reviewing authority (i.e worthy Chief Minister KP) which is dispatched through TCS wherein the penalty of compulsory retirement is modified to withholding of two annual increments for two years whereas specifically ordering appellant as now District Education Officer (M) Mardan with immediate with order/notification dated 20th January 2023 **(Copy of the review petition dated 03/12/2022 along with TCS receipt is attached as Annexure M & Copy of notification/order dated 20th January 2023 is attached as Annexure N)**

14. That appellant continued his duty as District Education Officer (M) Mardan in pursuance of the order/notification dated 20th January 2023 passed by the worthy Chief Minister KP.

15. That to the utter shock and dismay of the appellant, the respondent no 5 has been posted against the post occupied by the appellant from the post of DEO(M) Bannu vide order dated 10/02/2023 by the Secretary Education which is against the order dated 20th January 2023 of the competent authority (i.e worthy Chief Minister) wherein appellant has been declared as District Education Officer (M) Mardan with immediate effect **(Copy of the posting order dated 10/02/2023 is attached as Annexure O)**

16. That order dated 20th January 2023 passed by

respondent no 3 is illegal against law and facts to the extent of imposition of minor penalty of withholding of two annual increments for two years and the posting order dated 10/02/2023 passed by respondent no 4 regarding posting of respondent no 5 from DEO(M) Bannu against the filled vacancy by the appellant are illegal against law and facts on the following grounds:

GROUNDS

A. Because appellant has performed duties to the entire satisfaction of his superiors and there is no complaint against the appellant.

B. Because appellant is innocent and falsely charged.

C. Because the fact finding inquiry has not found appellant guilty of any charge and has only recommended warning against the appellant to be careful in future with respect to negligence.

D. Because there is no recommendation of imposition of any penalty against appellant even by the inquiry committee.

E. Because the inquiry committee held appellant guilty of issuing individual appointment order instead of joint order which is neither any offence nor any illegality nor even an irregularity.

F. Because there are no rules that the appointing authority must pass joint appointment order and no penalty has been specified for passing an individual order anywhere in the rules/regulations.

G. Because all the appointments have been made as per laid down procedure on merit in accordance with the directions of the Honorable Supreme Court of Pakistan and Honorable High Courts and appellant has not violated any rule/regulation.

H. Because the actual malafide is of the MPA Maulana Hidayat ur Rehman (MPA PK-1 Chitral) who in his original complaint states that his direction for appointment of the land donors as class-IV has been violated which direction of the MPA is against the judgment of the Honorable Supreme Court reported in 1997 SCMR 855

I. Because the Honorable Supreme Court of Pakistan has

clearly held that appointments shall not be made in lieu of land as it amounts to corruption and those who are not possessing land will be deprived of their rights of appointment.

J. Because the very inquiry has been conducted in question/answer and is violative of the judgment of the Honorable Supreme Court of Pakistan reported in 1993 SCMR 1440.

K. Because appellant has not been afforded properly opportunity of hearing and no one has been examined in the instant case and similarly no opportunity of cross examination has been afforded to the appellant which renders the entire inquiry proceedings as illegal.

L. Because the remaining members of the Departmental Selection Committee have been let free and they have not even been proceeded for disciplinary proceedings, then targeting appellant alone is a clear discrimination which is violative of Article 27 of the Constitution of Pakistan 1973.

M. Because the very charge has been issued by the Chief Secretary who is not the competent authority of the appellant and solely on this ground the same is illegal and the entire inquiry proceedings and structure/penalty shall scrumble to the ground. Rul;e 5(2) of the KP Government Servants (Efficiency & Discipline) Rules 2011 reads as under:

> **"5(1).....**
> **(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."**

N. Because the later issuance of the show cause notice cannot rectify the original illegality of the charge sheet.

O. Because there is no separate statement of allegation in the instant case which too is an illegality.

P. Because even the show cause notice has not been signed by the Chief Minister.

Q. Because the inquiry Committee has exceeded its jurisdiction by inquiring into things which neither the appellant was charged for in the charge sheet and therefore the inquiry conducted is beyond the

competence of the inquiry Committee as no charge has been framed against the appellant and the findings of the inquiry Committee are illegal, without lawful authority, fanciful, based on malafide and are result of personal & political.

R. Because as per rule 14(4)(c) of the KP Governmetn Servants (Efficiency & Discipline) Rules 2011, it is mandatory to provide a copy of the inquiry report to the accused which rule has been blatantlt violated in the instant case. Rule 14(4)(c) of the KP Government Servants (Efficiency & Discipline) Rules 2011 reads as under:

> **"14(4)(c). provide a copy of the inquiry report to the accused."**

S. Because appellant has served the Department for almost 33 years to the entire satisfaction of his superiors and there is no complaint against the appellant in the past.

T. Because appellant has been condemned unheard and has not been afforded an opportunity of personal hearing as enshrined in rule 15 of the KP Government Servants (Efficiency & Discipline) Rules 2011.

U. Because it is strange that the worthy Chief Minister has ordered appellant to be the DEO(M) Mardan in his order dated 20th January 2023 in the heading of the order, in the second para of the order and even in the last para of the order as DEO(M) Mardan with immediate effect then posting of respondent no 5 by respondent no 4 vide order dated 10/02/2023 against the post of DEO(M) Mardan which is held by the appellant is certainly illegal.

V. Because neither appellant nor respondent has completed his normal tenure of posting as per transfer policy in their respective stations.

W. Because the impugned transfer/posting order dated 10/02/2023 is in contravention of the transfer policy of the Provincial Government wherein it is specifically provided that posting/transfer shall not be mis-used/abused to victimize a civil servant. The relevant clause is reproduced as under: **(Copy of the transfer policy is attached as Annexure P)**

"i). **All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants."**

X. Because appellant is victimized only due to a civil dispute between appellant and respondents wherein the Honorable Peshawar High Court Dar Ul Qaza Bench had restrained the respondents from interfering in the marriage ceremony of the son of the appellant and had also left the appellant at liberty to file suit for damages against the respondents **(Copy of the writ petition along with judgment is attached as Annexure Q)**

Y. Because the appellant has not completed his tenure at his existing station and therefore the impugned transfer being pre-mature is illegal and against the transfer policy. The relevant clause is reproduced as under:

"iv). **Existing tenure of posting/transfer of three (03) years for settled areas and two (02) years for unattractive/hard areas shall be reduced to two (02) years for settled areas, 01½ years for unattractive areas and one year for hard areas."**

Z. Because while making transfer orders, the authority has to look into the following factors:

" **xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:**

a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/ officials be considered.

b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest."

.In the instant case, the performance of the

appellant has been satisfactory and the tenure of the appellant is not complete at his existing station and therefore the impugned transfer is in contravention of the clear policy of transfer of KP Government.

AA. Because impugned transfer orders are the result of political pressure which has been consistently deprecated by this Honorable Tribunal as well as the Honorable Supreme Court of Pakistan.

BB. Because the impugned posting order is in sheer violation order passed by the worthy Chief Minister and is therefore against the service decorum and service discipline and even the Secretary E&SED has made himself vulnerable to disciplinary proceedings.

CC. Because once the outcome of the representation/review to the worthy Chief Minister is culminated in the shape of order dated 20th January 2023 then under no authority of law, cannon and principle of any law, the worthy Secretary can bypass and derogate the order passed by the worthy Chief Minister in appellate jurisdiction/reviewing jurisdiction.

DD. Because the Executive order of the Secretary can't be equated with the quasi-judicial order passed by the Chief Minister KP under the KP E&D Rules 2011.

EE. Because the worthy Chief Minister has clarified in the order dated 20th January 2023 in clear terms that appellant is now District Education Officer (M) Mardan in three places in the order.

FF. Because the file of the appellant for adjustment has been deliberately placed in missing files despite the File Tracking System (FTS).

GG. Because the appellant is regularly performing duty to the entire satisfaction of his superiors.

HH. Because impugned orders are the result of malice and are totally a void order.

II. Because void order has got no legal status and can't be implemented/obeyed.

JJ. Because impugned orders are without lawful authority.

KK. Because even Election Commission of Pakistan has imposed ban on posting/transfer and therefore the impugned order dated is in violation of the clear-cut orders of the Election Commission of Pakistan.

LL. Because the authority competent under the transfer policy to post out/transfer officers in BPS-17 & above is the Provincial Government. Provincial Government is defined as Chief Minister along with his cabinet as per the famous judgment in the case of Mustafa Impex reported in PLD 2016 SC 808 read with Article 129 of the Constitution of Pakistan 1973.

MM. Because the Departmental Appeal as well as the service appeal are within time.

NN. Because giving effect to impugned void orders means down-throdding the whole transfer policy.

PRAYER:

It is therefore humbly prayed that on acceptance of this service appeal, the impugned notification/order dated 20th January 2023 passed by the respondent no 3 (i.e competent authority) wherein the major penalty of compulsory retirement imposed through order dated 01/12/2022 passed by respondent no 4 has been reduced to withholding of two annual increments for two years on review/appeal dated 03/12/2022 of appellant may please be set aside and appellant may please be exonerated of the charges leveled against him along with all back service and monetary benefits.

It is further prayed that as appellant has been reinstated as District Education Officer (Male) Mardan with immediate effect vide notification/order dated 20th January 2023 passed by the respondent no 3 (i.e competent authority/worthy Chief Minister KP), so posting of respondent no 5 from the post of District Education Officer (M) Bannu to District Education Officer (M) Mardan wherein appellant is already holding and occupying the post of District Education Officer (M) Mardan is illegal without lawful authority against the transfer policy and against the order dated 20th January 2023 of the worthy Chief Minister and transfer/posting order dated 10/02/203 passed by respondent no 4 wherein respondent no 5 has been posted against the post of District Education Officer (M) Mardan

which is already filled and occupied by the appellant vide order of the Secretary E&SED as well as Chief Minister may please be set aside and appellant may please be permitted to continue & perform duties as District Education Officer (M) Mardan. Any other relief deemed fit in the circumstances of the case and not specifically asked for may also be graciously granted.

Appellant

Through

Amjad Ali (Mardan)
Advocate
Supreme Court of Pakistan

Amjad Ali
ADVOCATE
SUPREME COURT

Dated: 15/02/2023

AFFIDAVIT

I, **Zulfiqar Ul Mulk (DEO (M) Mardan) S/O Ihsan Uddin R/O Mohallah Ali Garh, Post Office Khas, Akora Khattak Tehsil and District Nowshera (appellant)** do hereby solemnly affirm and declare that all the contents of this **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Tribunal.

Deponent

Aqeel Ahmad Advocate High Court
Oath Commissioner
No. 794
Date 15/2/2023
District Courts Mardan

(11)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

CM No._____/2023

IN

Service Appeal No._____/2023

Zulfiqar Ul Mulk (DEO (M) Mardan) S/O Ihsan Uddin R/O Mohallah Ali Garh, Post Office Khas, Akora Khattak Tehsil and District Nowshera

.....(Appellant/Applicant)

VERSUS

Govt of KPK through Secretary Elementary and Secondary Education Civil Secretariate Peshawar and others

..... (Respondents)

Subject: **Application for suspension of operation of impugned order dated 10/02/2023 passed by respondent no 4 till decision of the instant service appeal.**

Respected Sir,

Applicant humbly submits as under:

1. That the aforementioned appeal has been filed today.

2. That the impugned transfer of the appellant/applicant is an illegal order, in violation of the transfer/posting policy being pre-mature as well as in contravention of the transfer policy as well as order dated 20th January 2023 passed by worthy Chief Minister KPand therefore the impugned transfer/posting order is an illegal order and not tenable in the eye of law.

3. That appellant/applicant has a strong prima facie case and is sanguine about its success.

4. That balance of convenience lies in favour of the appellant/applicant.

5. That there shall be irreparable loss to the appellant/applicant if the impugned orders are not suspended.

6. That contents of the service appeal may please be treated as integral part of this application.

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It is therefore humbly requested that the operation of impugned order dated 10/02/2023 passed by respondent no 4 may please be suspended till decision of the instant service appeal.

Applicant

Through

Amjad Ali (Mardan)
Advocate
Supreme Court of Pakistan

Amjad Ali
ADVOCATE
SUPREME COURT

Dated: 15/02/2023

AFFIDAVIT

I, **Zulfiqar Ul Mulk (DEO (M) Mardan) S/O Ihsan Uddin R/O Mohallah Ali Garh, Post Office Khas, Akora Khattak Tehsil and District Nowshera (appellant/applicant)** do hereby solemnly affirm and declare that all the contents of this **application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Tribunal.

Deponent

Aqeel Ahmad Advocate High Court
Oath Commissioner
No. 795
Date 15/2/2023
District Courts Mardan

13

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No._____/2023

Zulfiqar Ul Mulk (DEO (M) Mardan) S/O Ihsan Uddin R/O Mohallah Ali Garh, Post Office Khas, Akora Khattak Tehsil and District Nowshera

.....(Appellant)

VERSUS

Govt of KPK through Secretary Elementary and Secondary Education Civil Secretariate Peshawar and others

..... (Respondents)

MEMO OF ADDRESSES

Petitioner

Zulfiqar Ul Mulk (DEO (M) Mardan) S/O Ihsan Uddin R/O Mohallah Ali Garh, Post Office Khas, Akora Khattak Tehsil and District Nowshera

Respondents

1. Govt of KPK through Secretary Elementary and Secondary Education Civil Secretariate Peshawar.
2. Chief Secretary Khyber Pakhtunkhwa at Civil Secretariat Peshawar
3. Chief Minister Khyber Pakhtunkhwa at Chief Minister Secretariat Peshawar
4. Secretary Elementary and Secondary Education Civil Secretariate Peshawar.
5. Zahid Muhammad (District Education Officer Bannu)

Appellant

Through

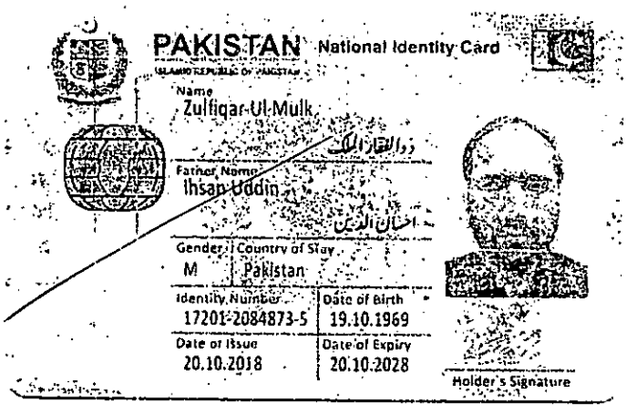
Amjad Ali (Mardan)
Advocate
Supreme Court of Pakistan

Amjad Ali
ADVOCATE
SUPREME COURT

Dated: 15/02/2023

Anx (A)

(14)



PAKISTAN National Identity Card

Name
Zulfiqar-Ul-Mulk

ذوالفقار الملک

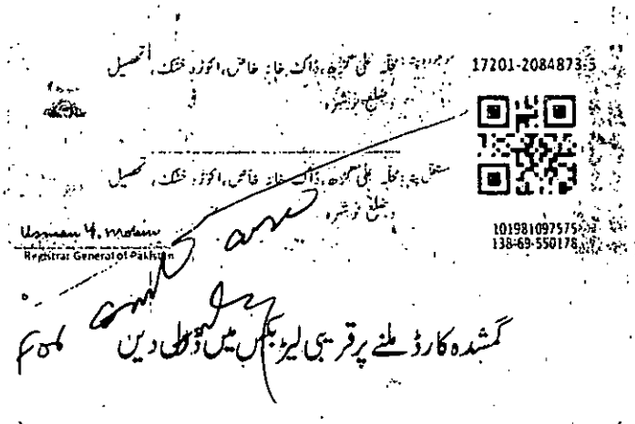
Father Name
Ihsan-Uddin

احسان الدین

Gender | Country of Stay
M | Pakistan

Identity Number: 17201-2084873-5
Date of Birth: 19.10.1969
Date of Issue: 20.10.2018
Date of Expiry: 20.10.2028

Holder's Signature



17201-2084873-5

1019810975754
138-69-550178

Registrar General of Pakistan

For

گمشدہ کارڈ ملنے پر قریبی لیٹر بکس میں ڈالنے کی دین

Amjad Ali
ADVOCATE
SUPREME COURT

Anx (B)

(15)

Moulana
Hidayat ur Rehman
Member Provincial Assembly Khyber Pakhtunkhwa
(PK-1 Chitral)

مولانا ہدایت الرحمٰن
ممبر صوبائی اسمبلی خیبر پختونخواہ
(PK-1 چترال)

Ref. SC/KPK/SPO

Date 01/06/2020

جناب سیکریٹری ایجوکیشن
صوبہ خیبر پختونخواہ

السلام علیکم!

گزارش ہے کہ چند دنوں پہلے ڈسٹرکٹ ایجوکیشن
افسر اپر چترال نے چند مدارس خود رساسیوں
کی بھرتی سے ڈائریکشن کے مطابق ہٹ کر کے
سفارشی افراد کو لینڈ ڈونرز کے جگہ بھرتی کرکے
علاقے میں پریشانی پیدا کی ہے۔ جبکہ دیگر سے
چند سکولز بھی بند کی گئی ہے۔

لہذا ان بھرتی شدہ افراد کو کینسل کرکے
حق دار لینڈ ڈونرز کو تعینات کی جائے۔

Amjad Ali
ADVOCATE
SUPREME COURT

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Annex C
16

INQUIRY REPORT

INQUIRY INTO THE ILLEGAL APPOINTMENTS AND IRREGULARITIES COMMITED BY DEO (M) UPPER CHITRAL IN CLASS-IV APPOINTMENTS.

AUTHORITY

SECRETARY

ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

KHYBER PAKHTUNKHWA, PESHAWAR

INQUIRY OFFICER

MUHAMMAD UZAIR ALI
ADDITIONAL DIRECTOR E&SE
KHYBER PAKHTUNKHWA

ADVOCATE
SUPREME COURT

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INQUIRY REPORT

TERMS OF REFERENCE

The Secretary Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa was pleased to nominate the undersigned as the Inquiry Officer vide Notification No. SO(PE)E&SED/2-2/Appointments/2020 dated Peshawar the 25.08.2020, to conduct inquiry into the illegal appointments and irregularities, committed by DEO (M) Upper Chitral in Class-IV appointments *(see pages 8-9)*.

PROCEDURE

1. Visited the office of DEO (M) Upper Chitral on date and time communicated in advance to DEO concerned.
2. Collected relevant official record from the office of the DEO (M) Upper Chitral.
3. Received defense statements from DEO (M) Upper Chitral.
4. Served Questionnaires on the DEO (M) Upper Chitral.
5. Interviewed and obtained statements from the various complainants summoned in the office of the Principal GCMHS Lower Chitral.
6. Collected statements from various officials in the Office of the DEO (M) Upper Chitral.
7. Discussed the whole issue with Mr. Hidayat-ur-Rahman MPA Chital in the Office of the undersigned.
8. Analyzed the data.
9. Reported the findings accordingly.

ABSTRACT

The subject inquiry was requested by Mr. Hidayat-ur-Rahman MPA Chitral to Secretary E&SED for investigation and taking appropriate action for alleged irregularities, violation of rules and corruption committed in the appointment of Class-IVs by the DEO (M) Upper Chitral Mr. Zulfiqar-ul-Mulk. He further requested that these appointments needed to be cancelled and candidates be appointed on local needs and land donation basis *(see pages 9 & 13)*.

Accordingly, as per the notification mentioned above, the inquiry was kicked off vide letter No.2070 dated Peshawar the 2nd September, 2020 intimated to DEO concerned through email informing him about the visit of the inquiry officer on 5th September, 2020 *(see page 10)*. The inquiry officer visited the venue as per the scheduled date, discussed the whole ambit of the issue with the DEO (M) Mr. Zulfiqar-ul-Mulk and collected his defense statement as well as the official record pertaining to the instant inquiry. Statements from various other officials in the office of the DEO (M) Upper Chitral were also obtained besides interviewing them one by one including some fresh recruits.

To ascertain the viewpoints of various complainants, a separate hearing session was arranged/held in the office of the Principal Government Centennial Model High School Lower Chitral through the good-offices of the PA to MPA Chitral on 7th September, 2020. Various complainants who couldn't make for the appointment on Class-IV posts, a representative delegation of employees of District Education Department Upper Chitral and some social workers attended the session. An already drafted joint statement was submitted by some applicants/candidates who had not been appointed as Class-IVs by the DEO (M) Upper Chitral *(see page 11)*.

Amjad Ali
ADVOCATE
SUPREME COURT

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Following are the brief summaries of statements submitted by various officials and the complainants.

SUMMARY OF THE COMPLAINTS

The complaints are summarized as follows.

1. Appointment not issued despite donation of land.
2. Land donated and father retired but still not appointed.
3. Appointment of non-local on far off areas/stations ignoring locally available suitable candidate/s.
4. Service was acquired on voluntary basis for about one and half year but the person was still not appointed as class-IV as promised.
5. DEO violated the rules and issued illegal appointments.
6. The appointments caused commotion and disturbed the peace and order of concerned localities.
7. The appointments of the class-IVs should be reviewed/cancelled and deserved candidates may be appointed instead. *See pages 11-22.*

SUMMARY OF STATEMENT OF OFFICIALS OTHER THAN THE DEO (M) UPPER CHITRAL MR. ZULFIQAR-UL-MULK.

DDEO (M) Mahmud Ghaznavi, SDEO (M) Mastooj Mr. Abid Hussain, SDEO (M) Morkoho/Torkoho Mr. Muqaddas Khan, ADEO (M) Abdul Nasir Shah, ADEO Sports Mr. Zulfiqar Ali Shah, S/C Mr. AttaurRahman, ADEO Primary Mr. Muhammad Nadir Khan, N/Q Mr. Amir Wali Khan and ADEO P&D Mr. Imtiaz-ur-Rahman testified in their joint statement that the consultations were held with Mr. Hidayat-ur-Rahman MPA Chitral in the office of the DEO (M) for more than two (2) hours in one session but he could not finalize nominations and ultimately expressing inability left the decision at the disposal of the DEO (M) to make on merit. They also testified that the DEO Mr. Zulfiqarulmulk did not commit any irregularity in the appointments of the Class-IVs.

Besides, the newly appointed Class-IVs, posted in the DEO (M) Office, also vehemently declared in their separate statements that no one in the office demanded any pecuniary favours (bribe) from them as recoupment for their appointment. *See pages 49-57.*

STATEMENT OF THE DEO (M) UPPER CHITRAL MR. ZULFIQAR-UL-MULK

The DEO (M) Upper Chitral Mr. Zulfiqar submitted his statement wherein he stated that he followed the rules and legal process and recruited only the domicile holders of the district as the posts in question pertained to district cadre. He claimed the allegations of irregularities, violation of rules and corruption were totally forged and groundless. He further clarified that only three (03) of the thirty (30) recruits were posted non-locally as local stations were not available for them but they had to be appointed to fulfill legal requirement of fulfilling 25% son quota. *See page 23.*

FINDINGS

Following are the findings of the inquiry: -

1. For filling up the vacancies of Drivers and Class-IVs, the DEO (M) Upper Chitral due to non-existence of the District Employment Exchange Office published advertisement in local newspapers with two corrigendum ads. made on different dates *(see pages 46-48).*

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2. The Advertisement as well as two corrigenda did not mention the number of vacancies of drivers and class-IVs to be filled in.
3. Departmental Selection Committee (DSC) and committee for scrutiny and interviews were constituted and notified in due course of time *(see pages 42-45)*.
4. Interviews for various candidates applying for different cadres of Class-IVs were conducted on 10/5/2020 *(see pages 58-74)*. The candidates were informed through Daily "AEEN" dated 25.4.2020 and through local advertisement, as claimed by the DEO *(see page 296)*.
5. Consultations with MPA Mr. Hidayat-ur-Rahman and a representative of MPA Mr. Wazir Zada were held in the DEO (M) office which were verbally confessed by the Honourable MPA Hidayat-ur- Rahman himself before the inquiry officer besides the officials in the DEO (M) office who also testified in their joint statement about the held consultations *(see page 23 & 57)*.
6. Both the DEO (M) and MPA Hidayat-ur-Rahman acknowledged they could not decide on nominations as the same were hard for the honourable MPA to give final words. He, in fact, left the matter to the DEO (M) to decide the cases as per merit and in accordance with the aspirations of the respective local communities *(see page,23 & 57)*.
7. The DSC meeting was held on 24.5.2020 at 11:00 AM in the office of the DEO (M) attended and the Minutes unanimously agreed to by all the members of the Committee *(see Minutes at pages 24-27)*.
8. 30 out of 334 total applicants for Class-IV posts from the domicile holders of Upper Chitral *(see pages 58-153)* were unanimously recommended by the DSC which also included 07 recommendations as per reserved 25% employee's son quota from the finalized merit list/order *(see merit list at pages 28-30)*. As no one did apply to avail the disable or minority quota, therefore, the rest of the 23 vacancies were filled in from amongst candidates applying on open seats/merit.
9. The DEO office claimed non-existence of any applicant requesting posting on 100% deceased quota. Besides, no one from amongst the complainants could produce any evidence proving negligence in this count.
10. The Minutes revealed one recommendation on Serial No.33 made on an expected vacancy with no legal justification whatsoever *(see page 26)*.
11. The inquiry also found one female candidate Mst. Maryam Jamal at Serial Number 15 of the Minutes appointed as N/Qasid in the office of the DEO (M) vide Endst: No.5115 (G)/EB (M) A-6/Apptt:C-IVs dated Booni the 15/05/2020 (*see page 26 & 221-222).*
12. Instead of a general notification, every new recruit was issued separate appointment order/notification.

ANALYSIS

Following is the analysis of findings recorded above:

1. The general rules regarding recruitment of Class-IVs as provided in the Khyber Pakhtunkhwa Government Servants (Appointment, Promotion and Transfer) Rules, 1989 may be summed up as that such posts are district cadre posts with no special merit criteria except suitability & fitness but preferably to be made on local basis. Moreover, 100% deceased, 25% retired employee's son, 2% disable and 5% Minority quotas need also to be observed by the appointing authority *(see rules on pages 402-412)*. Vacancies are necessarily to be advertised in newspapers in case of non-existing of District Employees' Registration Office *(see page 405 paragraph 3)*. Furthermore, as a matter of policy framed under Cabinet's directions (mentioned in its Minutes) consultations need to be held with the concerned MPA while finalizing nominations *(see Policy on*

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pages 413-416) (however, consultation can hardly carry binding effect in its signification). Besides, class-IVs are preferably to be posted locally as provided in Section 12 (3) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 *(see page 407)*.

2. As for as recruitment on open seats is concerned, the findings could not establish the truth of the main allegation of posting made on far away non-local stations. Open merit candidates including that of the nominees of concerned MPAs *(see pages 32-41)* were primarily posted nearby/locally keeping in view the dictate of Section 12 (3) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989. However, finding no free zones for those applying on Employee's son 25% quota, far stations could only provide an opportunity to post them in. This does seem realistic looking to the back-track history of behind the scene bickering, hard diplomacy, land-donation claims, etc. bedeviling the appointment of Class-IVs. Such appointments have always been a hard nut to crack for an appointing authority. In the instant case, in fact, 27 out of 30 recruits have been posted rather locally while only 3 candidates of the 07 on son quota have been inevitably posted away due to non-availability of local stations which the DEO himself intends to re-adjust locally when possible *(see page 298 reply No.11)*.
3. The complaint regarding overlooking appointment of the land donors, the DEO Upper Chitral does not seem to have done or committed any wrongful act by not appointing candidates in lieu of land donation as the competent authorities have been barred from doing so by verdict of Supreme Court and rule made thereunder as mentioned in KP ESTA Code 2018 edition on pages 50-52 *(see pages 410-413)*. However, land donors may be preferred over other applicants if at par with them in suitability. Findings of the inquiry does show some of the land donors already being appointed on basis of suitability and preference but some, however, may have been forsaken keeping in view their right reserved under 25% employee's son quota for availing of which they only need to wait for their turn as per merit order determined on basis of retirement dates.
4. Most recommendations were found made on basis of good academic qualification of the candidates which needs to be appreciated.
5. Having no application being submitted on basis of disability or minority quota, the DEO Upper Chitral did not commit any wrong to fill all vacancies from open contestants after observing 25% employee's son full quota. However, he needed to have mentioned the clarification in the minutes of DSC meeting which he has not done, in fact.
6. Certainly, advertisement for the instant recruitment was given/published in newspapers **but the number of vacancies were not mentioned therein.** Transparency does demand clear mentioning of vacancies in such advertisements. However, this negligence on part of the DEO office does not seem to have culminated out of ill-intention or hidden desires as the same advertisement was found less fulfilling for other conditions as well which necessitated the office to make/issue two separate corrigenda on separate dates.
7. Prima facia, the appointment of a female person on Class-IV post in male office does seem unconventional keeping in view the segregation, setting up and running of a parallel office for DEO female by E&SE Department as a distinct district hierarchy. However, the same does not end up contradictory with Rule-10 (5) of the Khyber Pakhtunkhwa Government Servants (Appointment, Promotion and Transfer) Rules, 1989 whereof ten percent of all posts meant for initial recruitment shall be reserved for female candidates *(see page 406)*. This Clause did allow the DEO Upper Chitral to rescue a destitute divorced lady otherwise fit for job in female office but not having opportunity there to support her child/family.

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8. Nevertheless, the inquiry could not find any solid legal support in favour of recommendation made on expected vacancy vide Serial No.33 of the DSC minutes. The DEO submitted that he did it in view of the intricacies involved in the recruitment process of Class-IVs vis-à-vis smooth running of the school while the concerned occupant was very soon to retire then.
9. The DEO concerned did fulfill the formality of holding consultation in his office with the complainant MPA Mr. Hidayat-ur-Rehman, however, he was unable to get mutually agreed nominations from the MPA as he himself was indecisive in finalizing nominations of suitable candidates for posting in his constituency *(see pages 23 & 57)*.
10. As for the charges of corruption, except verbal allegations, no legally solid evidence/proof could either be detected or provided by any complainant.
11. The inquiry could not find any solid legal reason for, nor can it support the demand of the Honourable MPA Mr. Hidayat-ur-Rehman for cancellation of the instant appointments which, if accepted, would be a major drift away from legal practices and rules in vogue especially when the recruitment process fulfills codel formalities and appointments are made/notified in accordance with the APT rules by an appointing authority.
12. Finally, save minor lapses/irregularities of not mentioning the number of posts in advertisement and DSC's recommendation of one candidate against an expected vacancy, no major legal violations of recruitment rules could be established with the available record and evidence during the course of the inquiry that could cause a major penalty to DEO (M) Upper Chitral Mr. Zulfiqarulmulk.

CONCLUSION

Based upon the above-mentioned findings and analysis of the case, this inquiry concludes:

1. **VOILATION OF RECRUITMENT RULES:** No major violation of the Khyber Pakhtunkhwa Government Servants (Appointment, Promotion and Transfer) Rules, 1989 warranting proceeding for major penalty under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 against the DEO (M) Upper Chitral has been found or established during the course of inquiry against the DEO (M) Upper Chitral Mr. Zulfiqarulmulk.

2. **CORRUPTION:** Except verbal allegations, no legally sound evidence/proof could either be detected or provided by any of the complainants.

3. **APPOINTMENT OF FEMALE CLASS-IV:** Though the appointment of a female candidate as N/Qasid in the office of the DEO (Male) is legally not violative of the Khyber Pakhtunkhwa Government Servants (Appointment, Promotion and Transfer) Rules, 1989 as the same has legal cover under its Rule-10 (5) determining **ten percent of all posts meant for initial recruitment shall be reserved for female candidates**, but from public point of view this act of the DEO (M) Upper Chitral does seem to be unconventional and publicly unsupportive. As a gesture of respect for local cultural sensitivities it would, therefore, be appropriate to transfer the new female class-IV recruit from male office to the office of the DEO (Female) Upper Chitral and thus burry the issue for good.

4. **LOCAL NON-LOCAL ISSUE:** As the DEO himself has confessed that only three of the fresh Class-IVs recruited on 25% employee's quota have been posted away due to non-availability of local stations, therefore, they may be adjusted/transferred to their

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local or nearby stations forthwith if feasible otherwise they may be facilitated on first availability of opportunity for readjustments. The rest of the Class-IVs recruited on basis of open market have already been posted nearby on local stations.

5. **LAND DONORS ISSUE:** Land donors, whenever and where-ever possible, need to be accommodated on preference of suitability but not in lieu of land keeping in mind rules and court decisions, high market value of landed property these days and the government inability to purchase land for establishment of school to execute its education policy.

6. **CANCELLATION OF APPOINTMENTS:** Appointments once made and issued legally by an appointing authority cannot be undone unless withdrawn under Efficiency & Discipline Rules on disciplinary grounds.

7. **MINOR LAPSES:** For commission of minor lapses of not mentioning the number of posts in advertisement and DSC recommendation of a candidate for class-IV post against an expected vacancy, the DEO (M) Upper Chitral Mr. Zulfiqar-ul-Mulk exposes himself as liable for disciplinary action and may, therefore, be warned so as not to repeat such negligence in future.

Documents Attached:

1. *Inquiry Notification vide No. SO(PE)E&SED/2-2/Appointments/2020 dated Peshawar the 25.08.2020 with attached MPA's request for documents for inquiry. Pages 8-9.*
2. *Letter to DEO (M) Upper Chitral vide No. 2070 dated Peshawar the 2nd September, 2020. Page 10.*
3. *Various complaints. Page 11-22.*
4. *Statement of DEO (M) Upper Chitral along with supporting documents. Page 23-57.*
5. *Official record provided by DEO concerned. Pages 58-294.*
6. *Questionnaires served on DEO (M) Upper Chitral. Page 295.*
7. *Replies to Questionnaires along with supporting documents. Page 296-402.*
8. *Rules and Policy relating to the recruitment of Class-IV. Page 403-416.*

The report is submitted for perusal and further necessary action under the rules, please.

16/11/2020

Muhammad Uzair Ali
Inquiry Officer
Additional Director Khyber Pakhtunkhwa

Amjad Ali
ADVOCATE
SUPREME COURT

Anx D

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CHARGE SHEET

I, **Dr. Kazim Niaz**, Chief Secretary, Khyber Pakhtunkhwa, as competent authority, hereby charge you, Mr. Zulfiqar-Ul-Mulk, District Education Officer (BS-19), Upper Chitral, as follows:

That you, while posted as District Education Officer (BS-19), Upper Chitral committed the following irregularities:-

1. During the meeting of DSC held on 14.05.2020 under your chairmanship in your office for recruitment to the post of Class-IV, 30 out of 334 total applicants from the domicile holder of Upper Chitral were unanimously recommended by the DSC including 7 under 25% Employees Son's Quota. However, 23 vacancies going to the share of disable as well as minority candidates were also filled from amongst the candidates of open seats / merit.
2. During the meeting, it was claimed that there was no applicant requesting for appointment against 100% deceased son's quota, however, no vacancy was left for future appointment under this quota.
3. One recommendation for appointment at S.No.33 in the merit list was made against an expected vacancy with no legal justification.
4. Instead of a single notification, every new recruit was issued separate appointment order / notification.

2. By reasons of the above, you appear to be guilty of inefficiency, misconduct and misuse of authority under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the rules ibid.

3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the inquiry officer/ inquiry committee, as the case may be.

4. Your written defence, if any, should reach the inquiry officer/ inquiry committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

5. Intimate whether you desire to be heard in person.

6. Statement of Allegations is enclosed.

Amjad Ali
ADVOCATE
SUPREME COURT

(DR. KAZIM NIAZ)
CHIEF SECRETARY
KHYBER PAKHTUNKHWA

Mr. Zulfiqar-Ul-Mulk, District Education Officer (BS-19), Upper Chitral

Aux (E)

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar

Dated Peshawar the 22th September, 2021

NOTIFICATION

No. SO(PE)/5-1/Gen-Misc-/Enquiry/Zulfiqar Ul Mulk-DEO Chitral Upper/2021. The competent authority is pleased to constitute inquiry committee comprising the following officer to conduct formal enquiry against Mr. Zulfiqar Ul Mulk DEO (M) Chitral Upper for charges mentioned in the charge sheet and statement of allegations.

3. Mr. Muhammad Ali Shah (PCS EG BS-20) Secretary Housing Department.
4. Mr. Saif Ur Rehman Principle (BS-20) GHSS No.1 Nowshera cantt.

The inquiry committee shall submit enquiry report/ recommendation to the competent authority ithin30 (Thirty) days

SECRETARY
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Endst. No. & Date as above.

Copy forwarded to:-

13. Mr.Muhammad Ali Shah (PCS EG BS-20) Secretary Housing Department Peshawar(Copy of charge sheet are statement of allegation are enclosed)
14. Mr.Saif Ur Rehman (Principal BS-20) GHSS No 1 Nowshera cant(Copy of statement of allegation are enclosed)
15. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar is requested to nominate departmental prepresentitve to assist the inquiry officer /committee.
16. DEO (M), District Chitral Lower (Copy of charge sheet are statement of allegation are enclosed).
17. Mst. Zulfiqar ul Mulk Chitral Upper (Copy of charge sheet are statement of allegation are enclosed).
18. PS to Secretary E&SE,Khyber Pakhtunkhwa.
19. Master File.

(Mian Hussain Din)
SECTION OFFICER (PE)

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Annex F

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REPLIES TO THE CHARGE SHEET

1. During the meeting of DSC held on 14-05-2020 under your Chairmanship in your office for recruitment to the post of Class-IV, 30 out of 334 total applicants from the domicile holder of Upper Chitral were unanimously recommended by the DSC including 7 under 25% Employee's Son Quota. However, 23 vacancies going to the share of disable as well as minority candidates were also filled from amongst the candidates of open seats/merit.

   Reply It is true that 30 candidates had been recommended by the DSC for appointment against Class-IV posts during the meeting held on 14-05-2020. As per merit list maintained, 07 candidates have been appointed under 25% quota reserved for retired Class-IV employees Son's.
   Due to less than 50 posts in the district no one was recommended for appointment on the basis of the disable quota as leftover 2% quota reserved for disabled candidates has already been fulfilled in 2019 in the light of SC judgment throughout the province, also the disable quota against 30 seats is zero in the appointments.
   No one applied against the minority quota in district upper Chitral.

2. During the meeting it was claimed that there was no applicant requesting for appointment against 100% deceased son's quota, however, no vacancy left for future appointment under this quota.

   Reply It is correct that no application found on the record during the process for appointment as Class-IV under deceased employees son's quota. As per APT rules 1989 rule 10 sub rule 4 *"Provided also that the appointment under this sub rule is subject to availability of a vacancy and if more than one vacancies in different pay scales are available at a time, and the child or the widow/wife, as the case may be, possesses the qualifications making him or her eligible for appointment in more than one post, he /she shall ordinarily be appointed to the post carrying higher pay scale"* qualified/eligible candidates/applicants can be appointed against any post up to BPS-15 under deceased employee's son quota and usually such candidates use to apply/prefer for appointment against higher scale post like PST BS-12/JC BS-11 etc. Regarding future vacancy being biggest department (in terms of HR) there are even chances of similar post availability in result of an unexpected death of an employee or in case of retirement.

3. One recommendation for appointment at S.No.33 in the merit list was made against an expected vacancy with no legal justification.

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Reply The said post was going to be vacated on 30-06-2020, and as these were the first ever appointments in the district since its birth in July 2019 so the DSC recommended a candidate for appointment after the retirement of the incumbent (in most recent future) in the best interest of public service and smooth service delivery because appointment of class-iv is an extremely difficult and crucial assignment to perform.

4. Instead of a single notification, every new recruit was issued separate appointment order/notification.

Reply Up to my knowledge there is no notified procedure for issuing appointment orders. Usually left over candidates/applicants use to challenge the notification/appointment order due to a reason or the other and as a result the whole process is being suffered/stucked, so keeping in view the same, strategy of issuing single appointment order/notification have been adopted by the DSC in the best interest of public service.

Zulfiqar Ul Mulk
District Education Officer
(Male) Upper Chitral

Amjad Ali
ADVOCATE
SUPREME COURT

Aux (6) (27)

QUESTIONEER FOR MR ZULFIQAR-UL-MULK, DISTRICT EDUCATION OFFICER (BS-19), UPPER CHITRAL.

Question NO 1. During the DSC meeting held on 14-05-2020 under your chairman ship, how many seats were available and how many appointment orders were issued. Scale wise and post wise details be provided? Original diary/ dispatch register for the month of June/ July 2020 should also be produced.

Question no 2. Against the seats available for recruitment, give a breakup of various seats falling under respective quotas?

Question NO 3. What is the minimum response time required under KPPRA Rules to respond to an advertisement?

Question NO 4. Was the minimum response time observed while giving advertisement for the posts in the advertisement dated 25-04-2020?

Question NO 5. Is there any legal/ administrative binding on mentioning the number of posts available for recruitment in the advertisement?

Question NO 6. Is there any administrative/ legal binding on mentioning the number of seats against disabled quota, minorities and female?

Question NO 7. Did the advertisement given qualifies/ reflects all the instructions/ legal requirements required for every quota?

Question NO 8. Vide corrigendum to the advertisement, you have circulated that middle pass applicants will be preferred? Under which service rule this condition has been inserted?

Question NO 9. What is the notified/ prevalent method of intimating/ inviting applicants for interview? Was it followed in the instant case?

Question NO 10. What are the rules regarding anticipated vacancy/ appointment against that vacancy?

Question NO 11. Is it official procedure to intimate the applicants for interview through advertisement ?

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Question NO 12. What is notified procedure for issuing appointment orders i.e. whether individual or consolidated?

Question NO 13. Did you mention 10% quota for females in the advertisement? How many females applied?

Question no. 14. Provide documentary evidence of recruitment of any female applicant on male side in the entire province during last three years?

Question NO 15. What is the source of information regarding non existence of minorities in district Upper Chitral? Was the matter of recruitment against minority seats discussed during DSC?

Question NO 16. Did all the concerned officers/ officials provided certificate to the affect that no applicant against deceased quota exists? If yes, why it was not discussed/ minuted during DSC meeting?

Question no 17. What is the age requirements for the said posts as per service rules?

Muhammad Ali Shah

Secretary Housing

(PCS EG BS 20)

Saif Ur Rehman

Principal GHSS No 1 Nowshera Cantt

(BS 20)

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ADVOCATE
SUPREME COURT

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QUESTIONAIRE/REPLIES TO THE QUESTIONAIRE IN RESPECT OF MR.ZULFIQAR UL MULK DISTRICT EDUCATION OFFICER (MALE) UPPER CHITRAL

Question No.1 : During the DSC meeting held on 14-05-2020 under your chairmanship, how many seats were available and how many appointment orders were issued. Scale wise and post wise details be provided? Original Diary/Dispatch register for the month of June/July 2020 should be produced.

Reply No.1

Scale wise and post wise detail is as under;

S.#	Nomenclature	No. of vacant posts/seats	Office/Institution
1	Driver BPS-06	03	02 posts at DEO & 01 post at SDEO (M) Mastuj
2	Sweeper BPS-03	04	1. DEO (M) Upper Chitral, 2. GHS Brep, 3. GMS Parwak & 4. GHSS Harchin
3	Naib Qasid BPS-03	05	1. DEO (M) Upper Chitral, 2. DEO (M) Upper Chitral, 3. GMS Riri Owir, 4. GMS Kosht Bala & 5. GMS Awi
4	Chowkidar BPS-03	15	1. DEO (M) Upper Chitral, 2. DEO (M) Upper Chitral, 3. GHSS Bang, 4. GPS Brep 1, 5. GPS Sarghuz, 6. GPS Shaidas, 7. GHS Sorech, 8. GHS Yarkhun Lasht, 9. GHS Washich, 10. GPS Pakhturi Owir, 11. GPS Lonkuh, 12. GPS Parwak Bala, 13. GPS Parwak, 14. GHS Kushum & 15. SDEO (M) Mastuj (vacated due to selection as Driver)
5	Lab: Attendant BPS-03	06	1. GHS Rech, 2. GHS Yarkhun Lasht, 3. GHS Washich, 4. GHS Sorech, 5. GHS Reshun & 6. GHSS Barum Owir
TOTAL CLASS-IV POSTS		30 (Thirty)	

Question No.2 Against the seats available for recruitment, give a breakup of various seats falling under respective quotas?

Reply No.2

Breakup of various seats

S.#	Deceased Son quota	Retired son quota	Minority quota	Disabled quota	Female quota	Open merit
1	100%	25%	05%	2%	10%	

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No. of candidates applied

S.#	Nomenclature	Deceased Son quota	Retired son quota	Minority quota	Disabled quota	Female quota	Open merit
1	Driver	--	NA	--	--	--	109
2	Class IV	--	As per merit	--	--	02	332

Detail of appointment

S.#	Nomenclature	Deceased Son quota	Retired son quota	Minority quota	Disabled quota	Female quota	Open merit
1	Driver	--	NA	--	--	--	03
2	Class IV	--	07	--	--	01	22

Question No.3 What is the minimum response time required under KPPRA Rules to respond to an advertisement?

Reply No.3 Minimum response time required under KPPRA Rules to respond to an advertisement as per KPPRA rule is 15 days

Question No.4 Was the minimum response time observed while giving advertisement for the posts in the advertisement dated 25-04-2020?

Reply No.4 No

Question No.5 Is there is any legal/administrative binding on mentioning the number of posts available for recruitment in the advertisement?

Reply No.5 According to the recruitment policy for provincial services available at pages 30-33 of Esta Code (Revised Edition 2011), there is no mandatory provision to mention number of vacancies in the advertisement vide clause "g" of the said policy at page 32 of the said code, however nomenclature of the posts were mentioned in the advertisement.

Question No.6 Is there any administrative/legal binding on mentioning the number of seats against disabled quota, minorities & female?

Reply No.6 There is no binding on mentioning of seats in the advertisement as per aforementioned policy. However under general condition given at serial No.1 fulfills the condition of recruitment as asked for in question No.6. More over recruitment has been made in accordance with recruitment policy of the provincial government by observing all quotas reserved in the said policy.

Question No.7 Did the advertisement given qualifies/reflects all the instructions/legal requirements required for every quota?

Reply No.7 As given in reply of question No.6

Question No.8 Vide corrigendum to the advertisement, you have circulated that middle pass candidates will be preferred, under which service rule this condition has been inserted?

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Reply No.8 Advertisement gives the condition of middle pass as per service rules for these posts. Corrigendum gives emphases for exclusion of middle failed candidates in the competition process. Moreover the term "preference" has no relation with any service rules

Question No.9 What is the notified/ prevalent method of intimating/inviting applicants for interview? Was it followed in the instant case?

Reply No.9 The notified/ prevalent method of intimating/inviting applicants for interview is through official mail. The candidates were informed through local advertisement in their respective areas and telephonic correspondence because the local mail system is too poor to give the desired results.

Question No.10 What are the rules regarding anticipated vacancy/appointment against that vacancy?

Reply No.10 As the post was going to be vacated in very near future i.e 30th of June, 2020, so the Committee also discuss and consider the appointment against the expected vacancy in the best interest of public service and because the appointment of class-iv employees is the most crucial assignment in the entire district administration.

Question No. 11 Is it official procedure to intimate the applicants for interview through advertisement?

Reply No.11 Upper Chitral is far flung area, delivery of information through post almost becomes very difficult within the due date and no other source of information exists therefore the method was opted alongside telephonic correspondence in the best public interest of better service delivery.

Question No.12 What is notified procedure for issuing appointment orders i.e whether individual or consolidated?

Reply No.12 Up to my knowledge there is no notified procedure for issuing appointment orders. Most of the times candidates challenge the office orders due to any reason and the whole process is being suffered, mostly if litigation encounters, so keeping in view the best interest of the public service delivery individual orders have been issued.

Question No.13 Did you mention 10% quota for females in the advertisement? How many females applied?

Reply No.13 No; 10% quota had not been mentioned in the advertisement, only two female candidates had applied, one Mis, Maryam Jamal has been appointed while the next candidate remained absent in the interview before the concerned Committee.

Question No.14 Provide documentary evidence of recruitment of any female applicant on male side in the entire Province during last three years?

Reply No.14 No record found however the decision has been taken in the light of APT rules 1989 section 10 sub section 5 "*Explanation-II---Ten per cent quota reserved*

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SUPREME COURT

above shall be in addition to the posts exclusively reserved for female candidates".

Question No.15 What is the source of information regarding non-existence of minorities in district upper Chitral? Was the matter of recruitment against minority seats discussed during DSC?

Reply No.15 Up to our knowledge and so for received applications for any sort of appointment in district Upper Chitral no other community exist/reside in district except Sunni & Ismailia.

Question No.16 Did all the concerned officers/officials provide certificate to the effect that no applicant against deceased quota exists? If yes, why it was not discussed/minuted during DSC meeting?

Reply No.16 No application with documentary proof was found for appointment against class-iv post, however later on upon provision of application with proper records candidates have been appointed against the posts applied for (in teaching & non-teaching cadres as per merit and policy).

Question No.17 What is the age requirement for the said posts as per service rules?

Reply No.17 As per rule maximum age limit is 40 years, 3 years automatic relaxation reserved for backward areas (Chitral is also notified backward area) and 2 years relaxation can be granted by the competent authority.

Zulfiqar Ul Mulk
District Education Officer
(Male) upper Chitral

Amjad Ali
ADVOCATE
SUPREME COURT

(33)

INQUIRY REPORT IN RESPECT OF COMPLAINT AGAINST MR. ZULFIQAR-UL-MULK, DISTRICT EDUCATION OFFICER (M), UPPER CHITRAL.

Brief facts of the case

In the year 2020, Mr. Zulfiqar-Ul-Mulk, District Education officer (M), Upper Chitral recruited thirty three (33) person against the posts of class IV, including three (3) drivers. Mr. Hidayat-ur-Rehman, MPA PK-01 lodged written complaint against the alleged irregularities and violation of rules/ policy during the recruitment process by the accused officer **(Annex-A)**.

2. Mr. Uzair Ali, Additional Director (BS-19), Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa was assigned a fact-finding inquiry into the matter. In the light of the report of the fact-finding inquiry, Mr. Zulfiqar-Ul-Mulk , Education Officer (M), Upper Chitral was issued charge sheets/ statement of allegations by the 'Competent Authority' which were accordingly served upon him. An inquiry committee comprising of Muhammad Ali shah, Secretary Housing (PCS-EG BS 20) and Mr. Saif Ur Rehman, Principal (BS-20), GHSS No 1 Nowshera Cantt was constituted to formally inquire into the matter and submit its report within 30 days **(Annex-B)**. Mr Mushtaq Ahmed, Deputy Director (M), Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa was assigned the duties of the departmental representative in the instant inquiry to facilitate the proceedings of the inquiry by the inquiry committee **(Annex-C)**.

Proceedings

3. The accused officer was summoned before the inquiry committee on 15-11-2021 **(Annex-D)**. The accused officer appeared before the inquiry committee and took the plea that he had not been in receipt of the show cause notice / statement of Allegations till that day. Departmental representative produced the record vide which the same were dispatched to the accused on 22-09-2021 **(Annex-B)**. Departmental representative was directed to ensure that the same are served upon the accused on the same day i.e. on 15-11-2021. Along with the statement of allegations/ charge sheet, a questionnaire, duly signed and acknowledged by the

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SUPREME COURT

accused, was also served upon him for submission of replies thereto on the next date of hearing **(Annex-E)**.

4. Next date of hearing was fixed as 23-11-2021 **(Annex-F)**. The accused officer submitted the para wise reply to the charge sheet/ statement of allegations **(Annex-G)**. He also submitted question wise replies to the questionnaire served upon him on the previous date of hearing **(Annex-H)**.

5. After the receipt of replies of accused officer/ officials and perusal of the record provided by the administrative department/ departmental representative, the accused was given the chance to clarify the things, consolidate the replies submitted by him and was cross examined accordingly.

6. The detailed inquiry proceedings against the officer, including his replies and findings of the inquiry committee are recorded as under:

Allegations against Mr. Zulfiqar-Ul-Mulk, District Education officer (M), Upper Chitral (BPS-19).

7. Statement of allegations containing four (04) charges, already served upon the accused officer are reproduced below and discussed charge wise along with the reply of the accused and findings of the inquiry committee:

Charge (i) During the meeting of DSC held on 14.05.2020 under his chairmanship in his office for recruitment to the post of Class-IV, 30 out of 334 total applicants from the domicile holder of Upper Chitral were unanimously recommended by the DSC including 7 under 25% Employees sons' quota. However, 23 vacancies going to the share of disable as well as minority candidates were also filled from amongst the candidates of open seats/ merit.

Reply and Findings

8. Mr. Zulfiqar-Ul-Mulk stated that it is true that 30 candidates for class IV were recommended by DSC for appointment against class-IV posts during its meeting held on 14-05-2020. While justifying his position against the allegation, he stated that 25% of the seats were filled on merit against retired employees' sons quota reserved for them. He further stated

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SUPREME COURT

that owing to less than 50 seats and owing to recruitment of disable persons in 2019 throughout the province as per directions of August Supreme Court, no one was recruited against the reserved quota of 2% for special persons. As far as exclusion of minorities against 5% quota reserved for them is concerned, he replied that no one applied against the same.

9. As per calculations made in presence of accused officer, against 30 persons recruited as Class IV, the proportion of special persons, minorities and women comes to 0.6%, 1.5% and 3% respectively. As per rules, he was supposed to recruit one special person, at least one person against minority quota and three persons against female quota. It is pertinent to mention over here that women quota is not observed on male side in the Education Department owing to exclusion of males during recruitment on female side. But as the accused had recruited one female also on the plea that he was observing 10% quota for female, so female quotas' observance has been discussed to elaborate the point made in proceeding paras.

10. Through cross-examination and after the perusal of record, it transpires that the accused was just going through all the formalities with a pre-determined mind. Whereas 15 days minimum response time is required to respond to an advertisement, the accused floated advertisement on 25-04-2020 mentioning therein the last date of submission of applications as 30-04-2020. To this indecent haste, the accused replied that they had dispatched the advertisement at an early date but it got delayed while being published. When he was confronted that he could have rectified this mistake of shortened response time by extending the closing date through two (2) subsequent corrigenda, which he issued, he was not able to justify his inaction.

11. While responding to the allegation of not recruiting any one against reserved seat for special persons, he replied that 2% quota for special persons has been implemented in 2019 as per August Supreme Court judgment. He seemed to be ignorant of the fact that this quota is calculated against all the employable seats and needs to be observed in all future recruitments also. Regarding the absence of recruitment against minority quota, he replied that no one applied against minority quota. He went to the extent that as per his knowledge, no minorities exist in Upper Chitral.

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12. The committee found out that bigger issue in the matter was engineering the advertisement, response time, not mentioning number of posts and absence of quota against various seats to meet his preset targets/ goals. Prima facie, the advertisement asked for recruitment against open merit without mentioning the number of posts. Number of seats allocated against special persons, minorities or female was not mentioned in the advertisement. No one applied against minorities quota because advertisement never asked for it. So the plea of the accused that minorities did not apply can also be interpreted that minorities did not apply because they were never invited to apply.

13. Similarly, the accused wanted to extend his kindness to a widow. Interestingly, he recruited a female applicant on the male side. He was asked through questioner to quote a single example from the entire province where a female candidate had been recruited on male side to which he replied in writing that no such example or precedence exists to endorse his action. He took the plea that in APT Rules, women have been given 10% share in quota, that's why he recruited one female. Had the advertisement mentioned/ asked for 3 seats (10%) against female quota out of total 30 seats, in an area like Chitral, the response of females had been astounding. Because he did not mention even female quota, he cannot be absolved of recruiting a female on male side in total disregard to the precedence/ set policy of the education department.

14. In the advertisement for the posts, qualification/ age limit required is in total violation of service rules. Being a backward district, age limit for Upper Chitral is 43 years (40 years general requirement and 3 years automatic relaxation for backward districts) whereas educational requirement for the class IV posts is literate. The first advertisement sets the age limit as 18-35 years followed by corrigendum mentioning 40 years as age limit. Similarly main advertisement asks for middle pass applicants for the class IV posts followed by a corrigendum mentioning that middle pass will be given priority whereas service rules are clear that thresh hold qualification is literate.

15. Even at the stage of interviews, a novice practice was adopted. Instead of issuing interviews via call letters, people were contacted on telephones. Such a subjective and novice procedure of intimating the applicants about interviews smacks of collusion and partiality, to say the least.

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16. The whole process from first advertisement till second corrigendum is in total disregard to APT rules and service rules. The advertisement barred minorities, special persons and females to apply for the jobs by not mentioning their quota/ share and by advertising that seats will be filled through open merit. Interview call letters were never issued supplementing the assumption that only pre-determined candidates were called for so-called interview and selected.

Keeping in view the above, charge number, (i) is fully proved against Mr. Zulfiqar-Ul-Mulk, District Education Officer (M), Upper Chitral.

17. Charge (ii) "During the meeting, it was claimed that there was no applicant requesting for appointment against 100% deceased son's quota, however, no vacancy was left for future appointment under this quota".

To this charge, the officer responded that no application with documentary proof was found for appointment against class IV post.

18. Perusal of record and response to the questioner served upon the accused establishes that no certificate from the field officers/ ADEO/ SDEOs was sought/ furnished/ discussed to establish that no applicant was available to be posted against 100% deceased sons' quota. The set practice/ procedure was again avoided and indecent haste was observed in presuming that no one applied for the said quota without any feedback/ certification from the concerned offices.

Keeping in view the above, charge number (ii) is fully proved against Mr. Zulfiqar-Ul-Mulk, District Education Officer (M), Upper Chitral.

19. Charge (iii) "One recommendation for appointment at S NO. 33 in the merit list was made against an expected vacancy with no legal justification".

To this charge the accused officer replied that the said post was going to be vacated on 30-06-2020. He added that as these were the first appointment since notification of Upper Chitral as new district in July 2019, so the DSC recommended for appointment against the post after the retirement of incumbent in the best interest of public service and smooth

ADVOCATE
SUPREME COURT

service delivery because appointment of class IV is an extremely difficult and crucial assignment to perform.

When confronted with the question that whether rules/ regulations exist which authorize the recruitment of a person in anticipation of vacancy of the post, he could not produce any authorization. The only defense which he could offer for this action is that as the vacancy was about to be vacated on 30-06-2020, so DSC made recruitment on the post on 14-05-2020.

On the basis of answer given, non-provision of any rules/ regulations to justify appointment against vacant post and on the basis of record, the committee wants to dilate upon the mess created by the accused officer by not following the prevalent format of advertisement. The departmental representative and the accused officer were of the opinion that there is no legal bar on mentioning the number of vacancies and quotas in the advertisement that's why the accused did not mention number of vacancies/ quotas.

By not mentioning the exact number of posts, he got the discretion to add not only one post rather two posts which were not there at all. Even the accused while replying to show cause notice/ charge sheet did not know how many seats were vacant against which recruitments were made. He has given in black and white that it was 30. It was never 30. They were 28 in number. During the course of proceedings of recruitment, he selected an incumbent Class IV against the seat of driver. By doing so, the number of class IV seats available at the time of recruitment became 29. Then he made a futuristic appointment against a post due to be vacated in coming June and thereby took the number to 30 whereas the actual number of available seats at the time of advertisement were 28. If we add the three posts of drivers in it, the final count comes to 31 and not 33. So he recruited 2 persons not 1 without a clear vacancy.

Keeping in view the above, charge number (iii) is fully proved against Mr. Zulfiqar-Ul-Mulk, District Education Officer (M), Upper Chitral.

Charge (iv) "Instead of a single notification, every new recruit was issued separate appointment order/ notification".

Amjad Ali
ADVOCATE
SUPREME COURT

Replying to this charge, the accused officer told that there is no notified procedure for issuing appointment order through a notified notification. He further built up his arguments by stating that normally unsuccessful candidates challenge the notification / appointment owing to one reason or the other and the whole process then hangs in limbo. In order to avoid such eventuality, process/ strategy of single order per candidate had been adopted.

Departmental representative was also asked about presence of any directions/ issuance of notified procedure for issuance of appointment order in the notified form or otherwise but the departmental representative also could not prove any notified/ set precedence in this context.

By not issuing consolidated appointment orders, he has infringed upon the transparency of recruitment. Class IV recruitment also contains 25% quota for sons/ daughters of retired employees. This list is always jealously guarded by all the applicants waiting to be accommodated under the said quota. By not issuing a consolidated order, the accused has violated one final chance by the applicant under the retiree's quota to ensure that their waiting list has not been violated in the final orders. By not doing so, he has further embroiled the transparency of the recruitment process.

Keeping in view the above, charge number (v) is partially proved against Mr. Zulfiqar-Ul-Mulk, District Education Officer (Male) per Chitral.

Submitted please.

(This inquiry report consists of seven (7) pages only and the total annexures are 20 pages in total.)

7-12-2021

Muhammad Ali Shah (PCS-EG- BS-20)
Secretary Housing Department,
Khyber Pakhtunkhwa, Peshawar.

Saif Ur Rehman
Principal (BS-20)
GHSS NO 1, Nowshera Cantt

Replying to this charge, the accused officer told that there is no notified procedure for issuing appointment order through a unified notification. He further built up his arguments by stating that normally unsuccessful candidates challenge the notification/appointment owing to one reason or the other and the whole process then hangs in limbo. In order to avoid such eventually, process/strategy of single order per candidate had been adopted.

Departmental representative was also asked about presence of any direction/issuance of notified procedure for issuance of appointment order in the notified form or otherwise but the departmental representative also could not prove any notified/set precedence in this context.

By not issuing consolidated appointment order, he has infringed upon the transparency of recruitment. Class IV recruitment also contains 25% quota for sons/daughters of retired employees. This list is always jealously guarded by all the applicants waiting to be accommodated under the said quota. By not issuing a consolidated order, the accused has violated one final chance by the applicant under the retiree's quota to ensure that their waiting list has not been violated in the final orders. By not doing so, he has further embroiled the transparency of the recruitment process.

Keeping in view the above, charge number (IV) is partially against Mr. Zulfiqar-Ul-Mulk, District Education Officer (M) Upper Chitral.

Submitted please.

(This inquiry reported consists of seven (7) pages of report and eight annexures i.e 20 pages in total).

Muhammad Ali Shah (PCS-EG-BS-20)
Secretary Housing Department,
Khyber Pakhtunkhwa, Peshawar

Saif Ur Rehman
Principal (BS-20)
GHSS No. 1 Nowshera Cantt

1993 S C M R 1440

Aux H 40

[Supreme Court of Pakistan]

Present: Ajmal Mian, Sajjad Ali Shah and Saleem Akhtar, JJ

JAN MUHAMMAD---Appellant

versus

THE GENERAL MANAGER, KARACHI TELECOMMUNICATION REGION, KARACHI and another---Respondents

Civil Appeal No. 149-K of 1991, decided on 31st March, 1992.

(On appeal from the judgment of the Federal Service Tribunal, Islamabad dated 13-1-1991 passed in Appeal No.56(K) of 1987).

Amjad Ali
ADVOCATE
SUPREME COURT

Government Servants (Efficiency and Discipline) Rules, 1973---

----Rr. 6, 5 & 4---Misconduct---Compulsory retirement---Enquiry against Government servant---Procedure---Enquiry proceedings were conducted by way of questionnaire without examination of witnesses in support of charge or defence---Such enquiry proceedings being not consistent with requirements of R. 6, Government Servants (Efficiency and Discipline) Rules, 1973 was not sustainable.

In Government Servants (Efficiency and Discipline) Rules, 1973, "misconduct" is defined. Rule 4 contemplates minor and major penalties. Compulsory retirement is included in major penalties. Rule 5 empowers authorised officer to direct enquiry against Government servant through an Enquiry Officer or Enquiry Committee or if he is satisfied, may order that there would be no enquiry in the interest of security of the country. If it is decided that there should be enquiry either by Enquiry Officer or Enquiry Committee then procedure laid down in Rule 6 is to be followed and the requirements enumerated therein are that charge shall be framed and Government servant proceeded against would be allowed to reply to the charge after which evidence is to be recorded by examining witnesses in support of the charge allowing opportunity to the affected Government servant to crossexamine the witnesses and he can also produce witnesses in his defence. In the present case this procedure as such was not followed in letter and spirit and witnesses were not examined in support of the charge. It was necessary for that reason that ultimately major penalty has been imposed upon the civil servant. The manner in which enquiry proceedings were conducted by way of questionnaire without examination of witnesses id support of charge or defence cannot be approved as it was not consistent with

requirements of Rule 6 of the above mentioned Rules. Before the Service Tribunal in written objections filed on behalf of Department order of compulsory retirement has been defended on other unconnected grounds that civil servant was inefficient and unwilling worker. In the enquiry report no comment was made upon plea of civil servant that his immediate superior officer recommended that he was overburdened with his own work and should not be given additional work. Order of compulsory retirement, therefore, was not sustainable as enquiry was not held in accordance with procedure laid down in Rule 6 of Government Servants (Efficiency and Discipline) Rules, 1973. Judgment of Service Tribunal and order of compulsory retirement of civil servant was set aside with the direction that he be reinstated with back benefits. Order of compulsory retirement of civil servant having been set aside on the ground that enquiry was not held as required under the Rules, it was open to Department to take action against him on that ground but strictly according to law and rules.

Rasheed A. Razvi, Advocate Supreme Court instructed by M.A.I. Qarni, Advocate-on-Record for Appellant.

M. Umar Qureshi, Advocate Supreme Court instructed by S.M. Abbas, Advocate-on-Record for Respondents.

Date of hearing: 31st March, 1992.

JUDGMENT

SAJJAD ALI SHAH, J.---In this appeal with leave is challenged judgment dated 13-1-1991 of the Federal Service Tribunal, Islamabad, whereby service appeal of the appellant is dismissed on the ground that it has no merit.

2. Briefly stated the relevant facts giving rise to this appeal are that appellant was serving as Lower Selection Grade Clerk (BPS-9) posted as Head Clerk Phone Branch, Karachi, when on 7-7-1986 he received order from Director, Telephones-II giving him additional work of "Minister communication cases". Assistant Director, Phones-I1, who was immediate superior officer of appellant forwarded a note recommending that appellant should be spared as he was already loaded with heavy work on account of shortage of staff and for that reason additional work may be assigned to some other Head Clerk. On the following day appellant was suspended and on 20-7-1986 he was served with charge-sheet on the ground that he had disobeyed the order of superior officer which amounted to misconduct. Appellant submitted his defence denying allegations. Mr. Zahiruddin Siddiqui, A.D. Engineering-II proceeded to examine appellant by directing him to answer questionnaire which was done. After formal personal hearing, order of compulsory retirement of appellant from Government service was passed on 18-11-1986. According to the appellant, he had put in 28 years of service. He filed departmental appeal which was dismissed after which he filed service appeal before the Tribunal which is also dismissed as stated above.

3. We have heard learned counsel for both the parties. It appears from the impugned judgment of Service Tribunal that charge against the appellant is that he disobeyed office order passed on

7-7-1986 directing him to look after "Minister communications cases" in addition to his own duties, which he refused. It is submitted on behalf of the appellant that he did not refuse or disobey the order but apprised his own immediate superior officer about the order and the factual position with regard to his own load of work and on that note his immediate superior officer A.D. Phones-II agreed and recommended in writing that appellant was already overloaded with heavy work in his normal duties, which he had been performing in the face of shortage of suitable staff, hence additional work should be assigned to some other Head Clerk.

4. We have noted' in the record that order assigning additional duty was passed on 7-7-1986 and on the same day appellant forwarded a note in writing to A.D. Phones-II, who on the same day added his own note in hand in the margin agreeing with appellant and recommending that he should be spared. There is also another note of the some officer i.e. A.D. Phones-II made on the, following day directing appellant to clear all the files on his table and then start attending to additional work as well. It, therefore, appears that inbetween these two notes this officer was called and persuaded to change his mind and not recommend that appellant should be spared from additional duty.

5. On 8-7-1986 appellant was suspended and on 20-7-1986 he was charge-sheeted and required to show cause within 7 days as to why penalty of dismissal from service as specified in Government Servants '(Efficiency and Discipline) Rules, 1973 should not be imposed upon him on the ground of misconduct. Mr. Zahiruddin Siddiqui A.D. Engineering-II was appointed as Enquiry Officer. On 3-8-1986 appellant filed written reply to charge-sheet in which allegation levelled against him was denied. Appellant asked for change of Enquiry Officer but his request was declined, In the enquiry no witness was examined and as it appears from the enquiry report dated 26-8-1986, four allegations were noted from which one related to refusal to do additional work and the other three with regard to the objections raised by the appellant himself. It further appears that appellant was cross-examined on these points and his defence in writing was considered and in one short paragraph conclusion is noted that charge of misconduct stands justified. vide order dated 18-i1-1986, authorised officer, who is Assistant General Manager-I, Karachi, Telecommunication Region, Karachi, retired appellant compulsorily from Government service with effect from 17-11-1986 with all admissible benefits treating period of suspension as leave admissible.

Amjad Aziz
ADVOCATE
SUPREME COURT

6. In Government Servants (Efficiency and Discipline) Rules 1973, "misconduct" is defined. Rule 4 contemplate minor and major penalties. Compulsory retirement is included in major penalties. Rule 5 empowers authorised officer to direct enquiry against Government servant through an Enquiry Officer or Enquiry Committee or if he is satisfied, may order that there would be no enquiry in the interest of security of the counts if it is decided that there should be enquiry either by Enquiry Officer or Enquiry Committee then procedure laid down in Rule 6 is to be followed end the requirements enumerated therein are that charge shall be framed and Government servant proceeded against would be allowed to reply to the charge after which evidence is to be recorded by examining witnesses in support of the charge allowing opportunity to the affected Government servant crpss-examine the witnesses and he can also produce witnesses in his defence. It appears that in the instant case this procedure as such was not followed in letter and spirit and witnesses were not examined in support of the charge. It was necessary for that reason that ultimately major penalty has been imposed upon the appellant. The manner in which enquiry proceedings were conducted by way of questionnaire without examination of witnesses in support of charge or defence cannot be approved as it is not consistent with requirements of Rule 6 of the abovementioned Rules. Before the Service

(43)
(108)

Tribunal is written objections filed on behalf of respondents order of compulsory retirement has been defended on other unconnected grounds that appellant was inefficient and unwilling worker. In the enquiry report no comment is made upon plea of appellant that his immediate superior officer recommended that appellant was overburdened with his own work and should not be given additional work. For the facts and reasons mentioned above, we are of the view that order of compulsory retirement is not sustainable as enquiry was not held in accordance with procedure laid down in Rule 6 of Government Servants (Efficiency and Discipline) Rules, 1973. We, therefore, set aside impugned judgment of Service Tribunal and order of compulsory retirement of appellant and direct that he be reinstated with back benefits. Since we are striking down order of compulsory retirement of appellant on the ground that enquiry was not held as required under the rules, it is open to the respondents to take action against appellant on that ground but strictly according to law and rules.

Appeal is allowed.

M.BA./J-99/S

Appeal allowed.

Amjad Ali
ADVOCATE
SUPREME COURT

GOVERNMENT OF KHYBER PAKHTUNKHWA

[illegible]

[illegible]

[illegible]

NOTIFICATION

NO.SO(SM)E&SED/7-1/2021/PT/GAM : The Competent Authority is pleased to order the transfer of the following Officers of Elementary & Secondary Education Department in the best public interest, with immediate effect -

S#	Name of officer & designation	From	To
1	Dr Muhammad Idress (MC BS-19)	Waiting for posting	District Education Officer (M) Peshawar against the vacant post.
2	Mr. Zulfiqar ul Mulk (MC BS-19)	District Education Officer (M) Chitral Upper.	District Education Officer (M) Mardan against the vacant post.
3.	Mr. Mehmood Ghaznavi MC (BS-18)	Deputy District Education Officer (M) Chitral Upper.	District Education Officer (M) Chitral Upper in OPS vice S.No. 02
4	Mst. Hazrat Zuhra MC (BS-18)	Deputy District Education Officer (F) Mardan.	District Education Officer (F) Mardan in OPS against the vacant post.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) concerned.
4. District Education Officer (Female) concerned
5. District Account Officers concerned.
6. Director, EMIS E&SE Department.
7. PS to Minister for E&SE Department.
8. PS to Secretary E&SE Department.
9. PA to Deputy Secretary (Admn) E&SE Department.
10. Officers concerned.
11. Office order file.

ADVOCATE
SUPREME COURT

(HAFEEZ UR REHMAN SHAH)
SECTION OFFICER (SCHOOLS MALE)

Registered

GOVERNMENT OF KHYBER PAKHTUNKHWA

ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223588

45
Aux J

No. SO(SM)E&SED/4-19/2021/Inquiry
Dated Peshawar the February 28th, 2022

To

Mr. Zulfiqar-ul-Mulk (Ex-DEO (Male) Chitral Upper
Now District Education Officer (Male),
Mardan.

Subject: **SHOW CAUSE NOTICE.**

I am directed to refer to the subject cited above and to enclose herewith a copy of Show Cause Notice wherein the Chief Minister, Khyber Pakhtunkhwa has tentatively decided to impose a major penalty of "**Removal from Service**" upon you under Rule-4(b) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges levelled against you.

2- You are, therefore directed to furnish reply to the Show Cause Notice as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desired to be heard in person.

3- Your reply to the Show Cause Notice should reach this Department within seven (07) days of delivery of this letter, failing which ex-parte action shall be taken against you.

Amjad ... ADVOCATE SUPREME COURT

Encls: As above

28/2/22

(**JUNAID SHAH**)
SECTION OFFICER (Management Cadre)

CC to the: -

1. Director E&SE Khyber Pakhtunkhwa.
2. District Education Officer (Male) Chitral Upper with the direction to deliver the Show Cause Notice to the officer concerned.
3. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.

28/2/22

SECTION OFFICER (Management Cadre)

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SHOW CAUSE NOTICE

I, Mahmood Khan, Chief Minister Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mr. Zulfiqar Ul Mulk, Ex-DEO (M) Chitral now DEO (M) Mardan as follows: -

(i) That consequent upon the completion of inquiry conducted against you by the inquiry committee for which you presented your written defense before the inquiry committee; and

(ii) On going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your defense before the inquiry committee: -

I am satisfied that you have committed the following acts/omission specified in rule-3 (a) of the said rules:

Inefficiency & Misconduct

2. As a result, thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of _____ under Rule-4 of the said rules.

3. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

5. A copy of findings of the inquiry committee is enclosed.

(MAHMOOD KHAN)
CHIEF MINISTER KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

Mr. Zulfiqar Ul Mulk, Ex-DEO (M) Chitral now DEO (M) Mardan.

Amjad Ali
ADVOCATE
SUPREME COURT

DISTRICT EDUCATION OFFICER
(MALE) MARDAN.

47
Aux K

To,

The Chief Minister Khyber Pakhtunkhwa
Competent Authority

Subject: **Reply of the Show cause Notice No.SO (SM) E&SED/419 Inquiry Dated Peshawar the February 28th, 2022.**

1. That I was Ex-DEO (M) Chitral-Upper and presently working as DEO (M) Mardan, I always perform my duty to the best of my abilities, sincerely, honestly and faithfully and never give any cause of complaint to my seniors during the service my conduct and performance has always been appreciated by my concerned high ups and public is at large.
2. That I have been charged four(04) allegations, which is baseless, against facts and laws, that one of Mr. Hadayat Ur Rahman MPA PK 01 Complaint against the irregularities, violations of rules, and policy during the recruitment process of class-IV and drivers. This complaint is on the basis of malafide, baseless, illegal, and it is settle law that any act/complaint which is based on malafide, illegal cannot sustained at any cost.
3. That there is no specification in the rules that the quotas and numbers of the post are must be mentioned in the Advertisement, because every quotas has been already mentioned in the rules and policies and the public is already aware of it. The minority has not applied for the post or they have not interested for the class-IV appointment and the competent authority cannot make appointment in such like one, or without applied for the post.
4. That there is no single example from the entire province where a female candidate was recruit but I have appointed as per rules and law, which is appreciable act of mine because Islam is teaching us to give the women their rights in the good faith.
5. That the DSC (Departmental Selection Committee) Minutes, all requirements of class-IV, recruitment has been fully discussed i-e quotas, age, qualification, etc, and to look out every angle of law, rules and policy, as well as also discussed/consulted with the present Government MPAs, but the class-iv have appointed strictly according to law and rules.
   (Letters of MPA and all related Documents, Inquiry are as attached)
6. As per rules the competent authority can appoint or add to the number of the posts in the DSC meeting because the competent authority is the appointing authority within time framework of rules and law. I have appointed class-iv as per the instruction/guide line which is issued by the Chief Minister of KPK and I have followed the methodology of Chief Minister of KPK which is available in the ESTA CODE page No.48. and there is not mentioned the number of posts and quotas are must be published in the daily newspaper.
7. That the inquiry officers Namely Mr. Muhammad Ali Shah (PCS EG BS-20) Secretary Housing Department & Mr. Saif-Ur- Rehman principal (BS-20) GHSS No.1 Nowshera Cantt: with Malafide intentions by concealing the real facts marked in the enquiry, the view of the inquiry officers total baseless, with out cogent evidence and against the law.
8. I have appeared before the inquiry officers and fully explained my real positions regarding the appointments of the class-iv as per mentioned the Chief Minister Letter, which is available in the ESTA CODE page. No. 48.

Amjad Ali
ADVOCATE
SUPREME COURT

(12)

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9. That I have produced concrete and cogent evidence on the shape of appointments orders and DSC minutes but I have targeted and the members of DSC are exempted from the Inquiry, therefore I have denied all allegations against me, because I have falsely implicated in the instant case due to malafide political influences. No iota of evidence was available to show as to how I have done irregularities during my appointments and who were the beneficiary. The recommendation of the removal from service in an arbitrary and whimsical manner which was a classic example of abusing on law and misuse of authority.
10. That the Inquiry Officers have not fulfilled the requirements of the inquiry.
    i- The Inquiry Officers have not recorded evidence of the witness on Oath.
    ii- The Inquiry Officer have not rightly examined the DSC & Appointments.
    iii- I have not given opportunity to produced witness for my defence and the DSC members are all my witnesses.
    iv- The class-iv appointments is the whole KPK issued. But I have targeted with malafide intention by the Inquiry Officers. The purpose of inquiry is not to punish the Civil Servant and ignored the mistake of the Civil Servant. (1983 PLC-CS-1288).
11. The punishment in this minor act is illegal and blatant violation of rules and law laid down by the Honorable Courts, and the entire exercises was conducted a dubious with malafide intention.
12. It is settle law that no major punishment can be imposed on a Civil Servant by affording a reasonable opportunities and check the record of the department. The inquiry officers did not care to follow the statuary law laid down by the Honorable Supreme Court of Pakistan. And the removal from service is own wish of the inquiry officers, while there is nothing available on record which is produced as evidence, nor any witnesses as per CPC.
13. I was not guilty of charges and all pleas has taken by me as per rules. And the Inquiry Committee has acted illegally by imposing the punishment of removal which is too harsh, arbitrary capricious and against law.
14. That I have a civil dispute against 1-Chief Secretary of KPK 2-Commissioner of Malakand Division 3- Deputy Commissioner Chitral-Upper 4- Senior Member Board in the honorable Peshawar High Court Peshawar which is allowed along with cost in favour of me. I have filled this writ petition for the protection and legal rights of my children. (Copy of writ petition is as attached)
15. As far as the question of my involvement in the present case that I swear that neither involved in this mis-conduct but some miscreants tend to involve me in this game just to defame me.

    The Competent Authority is requested to exonerate me from the charges.

Zulfiqar Ul Mulk
District Education Officer
(Male) Mardan.

Liaqat Ali
ADVOCATE
SUPREME COURT

REGISTERED

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Anx L
49

Dated Peshawar the December 1, 2022

NOTIFICATION

No. SO(Inq)ESSED/1-19/2022/Mr. Zulfiqar ul Mulk/Ex-DEO (M) Upper Chitral now DEO (M) Mardan:

WHEREAS Mr. Zulfiqar ul Mulk, Ex-District Education Officer (Male), Upper Chitral now District Education Officer (Male) Mardan was proceeded against under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. **AND WHEREAS** Muhammad Ali (PCS EG BS-20), Secretary, Housing Department and Mr. Saif ur Rehman, Principal (BS-20), GHSS No. 1 Nowshera Cantt were nominated as Inquiry Committee to conduct Formal Inquiry under the ibid Rules, against Mr. Zulfiqar ul Mulk, Ex-District Education Officer (Male), Upper Chitral now District Education Officer (Male) Mardan, for the charges leveled against him.

3. **AND WHEREAS** the Inquiry Committee after having examined the charges, evidence on record and explanation of the accused, has submitted the report.

4. **AND WHEREAS** the Competent Authority (Chief Minister) after having considered the charges and evidence on record, inquiry report, explanation of the accused in response to the show cause notice and personal hearing granted to him by Secretary, Home & Tribal Affairs Department on behalf of the Chief Minister/ Competent Authority on 21.05.2022 is of the view that charges against the accused have been proved.

5. **NOW, THEREFORE,** in exercise of the powers conferred under section 14 (5) of the ibid Rules, the Competent Authority (Chief Minister), is pleased to impose major penalty of **"Compulsory retirement"** upon Mr. Zulfiqar ul Mulk, Ex-District Education Officer (Male), Upper Chitral now District Education Officer (Male) Mardan with immediate effect.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No. & Date

Copy forwarded to the:

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa Peshawar.
3. Deputy Commissioner, Mardan.
4. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
5. District Education Officers (Male) Upper Chitral.
6. District Education Officers (Male) Mardan.
7. District Account Officer Mardan.
8. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
9. PS to Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
10. Section Officer (Management Cadre), E&SE Department.
11. Section Officer (Schools/ Male), E&SE Department.
12. Incharge EMIS E&SE Department.
13. Mr. Zulfiqar ul Mulk, Ex-District Education Officer (Male), Upper Chitral now District Education Officer (Male) Mardan.
14. Office order file.

1/12/22

(Bilal Khan)
SECTION OFFICER (INQUIRIES)

Amjad Sher
ADVOCATE
SUPREME COURT

To,

The Worthy Chief Minister,
Khyber Pakhtunkhwa, Peshawar.

Anx M 50

THROUGH PROPER CHANNEL

SUBJECT: **REVIEW /APPEAL AGAINST THE MAJOR PENALTY (COMPULSORY RETIREMENT) IMPOSED UPON THE APPELLANT BY THE COMPETENT AUTHORITY VIDE NOTIFICATION NO. SO(PE)15-1/GEN-MISC/ENQUIRY/ZULFIQAR-UL-MULK-DEO CHIRTAL UPPER/2021 DATED: 01/12/2022 WHICH IS AGAINST LAW FACT AND INEFFECTIVE UPON THE RIGHTS OF THE APPELLANT AND THE SAID IMPUGNED NOTIFICATION DATED: 01/12/2022 IS LIABLE TO BE SET ASIDE AND THE APPELLANT BE REINSTATED INTO SERVICE WITH ENTIRE BACK BENEFITS**

Respectfully Sheweth,

The appellant humbly submitted as under:

1. That the appellant namely Zulfiqar-Ul-Mulk after joining the education department in October 1989 and after spotless serving for almost 33 long years, was posted as Ex-DEO (M) Chitral Upper and presently DEO(M) Mardan.
2. That the appellant performed his duties in Office of the District Education Office (M) Chitral Upper as well as in Mardan till 01/12/2022 to the entire satisfaction of his superiors, and that the entire service record of the appellant is impeccable/blameless.
3. That namely Mr. Hidayat Ur Rahman MPA PK-1 lodged complaint against the appellant regarding C-IV Land donors appointments, but the appellant has made appointment according to the policy of the recruitment of C-IV appointment as per law/rules/policies and the judgement of the Supreme Court Of Pakistan (**SCMR PG-855 1997**).
4. That as per merit list of C-IV appointment all the candidates were appointed on merit policy as per rules and laws.
5. That it was to utter shock and dismay when the appellant received charge sheet regarding the allegation by the competent authority.
6. That the appellant submitted his detailed reply to the charge sheet accordingly before the enquiry committee within the limit of law, with rationale grounds regarding the allegations leveled against the appellant. Factual position is mentioned in his reply.
7. That the formal enquiry committee has ignored the real facts.
8. That harsh mood was adopted against the appellant by imposing Major Penalty i.e Compulsory Retirement.
9. That the appellant being government servant has never approached the high-ups' in the matter concerned.
10. That instead of observing the merit/rules, the enquiry committee showed their blue-eyed nature, which is totally injustice, biased and needs to be reviewed / set aside as the entire procedure was mere based on presumptions, assumptions and mis-reading and non-reading of the actual facts. Hence non sustainable in the eye of law.
11. That the appellant having impeccable service career, made the Districts in Top Position in District Performance Scorecard (DPS).

Therefore, it is humbly prayed that in view all of the above-mentioned facts/realities and service career of the appellant, the impugned Notification dated 01/12/2022 may kindly be set aside and the appellant may kindly be re-instated into service w.e.f the date of Compulsory Retirement with all back benefits to justify the ends of justice please.

DATED: 03/12/2022

APPELLANT
3/12/22

Amjad Ali
ADVOCATE
SUPREME COURT

ZULFIQAR-UL-MULK
DEO(M) MARDAN
EX-DEO (M) CHITRAL UPPER

GST No. 12-008308-002-73

(51)

CN: 4765300231

[redacted]

MAN-PLW Pcs - 1
Staff: 110441 Route: X35110

Name : ZULFIQAR UL MULK
Phone : 03450780087
Address : MARDAN, 23

Name : [redacted] MINISTER
Phone : 03019210712
Address : PESHAWAR,

Service Chg	200.0
Fuel Surcharges	9.0
Other Amount	0.0
VAS	0
Insurance Chg	0
GST	31
Prepaid	0
TOTAL	240

[redacted]

[redacted]

[redacted]

Arzad Ali
ADVOCATE
SUPREME COURT

REGISTERED

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the January 20th, 2023

Aux (N) (52)

NOTIFICATION

No. SO(Inq)ESSED/1-19/2022/Mr. Zulfiqar ul Mulk/Ex-DEO (M) Chitral now DEO (M) Mardan:

WHEREAS Mr. Zulfiqar ul Mulk, Ex-District Education Officer (Male), Upper Chitral now District Education Officer (Male) Mardan was proceeded against under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. **AND WHEREAS** Muhammad Ali (PCS EG BS-20), Secretary, Housing Department and Mr. Saif ur Rehman, Principal (BS-20), GHSS No. 1, Nowshera Cantt were nominated as Inquiry Committee to conduct Formal Inquiry under the ibid Rules, against Mr. Zulfiqar ul Mulk, Ex-District Education Officer (Male), Upper Chitral now District Education Officer (Male) Mardan, for the charges leveled against him.

3. **AND WHEREAS** the Inquiry Committee after having examined the charges, evidence on record and explanation of the accused, has submitted the report.

4. **AND WHEREAS** the Competent Authority (Chief Minister) after having considered the charges and evidence on record, inquiry report, explanation of the accused in response to the show cause notice and personal hearing granted to him by Secretary, Home & Tribal Affairs Department on behalf of the Competent Authority on 21.05.2022, is of the view that charges against the accused have been proved.

5. **AND WHEREAS,** in exercise of the powers conferred under Section-14 (5) of the ibid Rules, the Competent Authority (Chief Minister), imposed major penalty of **"Compulsory Retirement"** upon Mr. Zulfiqar ul Mulk, Ex-District Education Officer (Male), Upper Chitral now District Education Officer (Male) Mardan on 01/12/2022.

6. **AND WHEREAS,** Mr. Zulfiqar ul Mulk, preferred a Departmental appeal to the Chief Minister Khyber Pakhtunkhwa (Appellate Authority) against the notification dated 01-12-2022.

7. **NOW THEREFORE**, in exercise of powers conferred under Rule 17 (i) and (2) (c) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the Chief Minister Khyber Pakhtunkhwa being reviewing authority is pleased to modify the order dated 01-12-2022 and reduce the Major penalty of **"Compulsory Retirement"** into minor penalty of **"withholding of two annual increments for two years"** imposed upon Mr. Zulfiqar ul Mulk, Ex-District Education Officer (Male), Upper Chitral now District Education Officer (Male) Mardan with immediate effect.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No. & Date:

Copy forwarded to the:

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa Peshawar.
3. Deputy Commissioner, Mardan.
4. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
5. District Education Officer (Male) Upper Chitral & Mardan.
6. District Account Officer, Mardan.
7. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
8. PS to Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
9. Section Officer (School/Male), E&SE Department.
10. Section Officer (Management Cadre), E&SE Department.
11. Incharge EMIS E&SE Department.
12. Mr. Zulfiqar ul Mulk, Ex-District Education Officer (Male), Upper Chitral now District Education Officer (Male) Mardan.
13. Office order file.

Amjad Ali Advocate Supreme Court

(Bilal Khan)
Section Officer (Inquiries)

Aux (O) (53)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated 10th February 2023

NOTIFICATION

NO.SO(MC)E&SED/4-16/2022/Posting/Transfer/MC/: Consequent upon the approval of the Competent Authority and subsequent NOC from the Election Commission of Pakistan, the following posting/ transfer are hereby ordered with immediate effect, in the best public interest: -

S #	Name & Designation	From	To	Remarks
1.	**Mr. Zahid Muhammad** (MC BS-19)	DEO (Male) Bannu	DEO (Male) Mardan	A.V.P
2.	**Mr. Jaffar Mansoor Abbasi** (MC BS 19)	Awaiting Posting	Additional Director, Directorate (DCTE) Abbottabad.	V.S.No.3
3.	**Syed Amjad Ali** (TC BS-19)	Additional Director DCTE Abbottabad.	Principal (BS-19) GHSS Salabat Mansehra	A.V.P
4.	**Mr. Aurangzeb** (MC BS-18)	DEO (Male) Karak	DEO (Male) Lower Kohistan	Vice S.No.5
5.	**Mr. Zahoor Khan** (MC BS 19)	DEO (Male) Lower Kohistan	DEO (Male) Karak	Vice S.No.4
6.	**Mr. Liaqat Ali** (MC BS-18)	Deputy DEO Dir Lower	DEO Mohmand in OPS	By relieving Abdul Manan Deputy Director Directorate of E&SE of the Additional Charge

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No.& date:

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
4. Section Officer (Schools Male) E&SE Department.
5. District Education Officer (Male) Concerned
6. District Accounts Officer Concerned.
7. PS to Minister E&SE Khyber Pakhtunkhwa
8. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
9. Master file.

Amjad Ali
ADVOCATE
SUPREME COURT

(NASEER ABBAS KHALIL)
SECTION OFFICER (Management Cadre

Aux (P) 54

Posting and Transfer

Statutory Provision.

Section 10 of the NWFP Civil Servants Act,1973.

Posting and Transfer. Every civil servant shall be liable to serve anywhere within or outside the Province, in any post under the Federal Government, or any Provincial Government or Local authority, or a Corporation or body set up or established by any such Government:-

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region;

Provided further that, where a civil servant is required to serve in a post outside a service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

Posting/transfer policy of the Provincial Government.

i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants

ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.

iii) All contract Government employees appointed against specific posts, can not be posted against any other post.

iv) Existing tenure of posting/transfer of three (03) years for settled areas and two (02) years for unattractive/hard areas shall be reduced to two (02) years for settled areas, 01½ years for unattractive areas and one year for hard areas.

v) [79][ ]

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79 Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business,1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make Posting/Transfer subject to observance of the policy and rules.

Amjad Ali
ADVOCATE
SUPREME COURT

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vi) [80]While making posting/transfers of officers/officials up to BS-17 from settled areas to FATA and vice versa approval of the Chief Secretary, NWFP needs to be obtained. Save Tehsildars/Naib Tehsildars within a division in respect of whom the concerned Commissioner will exercise the same power. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor, NWFP shall be obtained.

Provided that the power to transfer Political Tehsildars and Political Naib Tehsildars within FATA between different divisions shall rest in Additional Chief Secretary FATA.

vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for at least eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.

vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.

viii) No posting/transfers of the officers/officials on detailment basis shall be made.

ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.

x) All the posting/transferring authorities may facilitate the posting/ transfer of the unmarried female government Servants at the station of the residence of their parents.

xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement

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[80] Para-VI added vide circular letter No. SOR-VI/E&AD/1-4/2010/Vol-VIII dated 20th March, 2010.

Amjad Ali
ADVOCATE
SUPREME COURT

[81]DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;

xii) In terms of Rule 17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column2 thereof:

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	 Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent: a) Within the same Department b) To and from an Attached Department c) Within the Secretariat from one Department to another	Secretary of the Department concerned. Secretary of the Department in consultation with Head of Attached Department concerned. Secretary (Establishment)

xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:

a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/ officials be considered.

b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

[81] Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005, dated 9-9-2005.

ADVOCATE
SUPREME COURT

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.

i) Pre-mature posting/transfer or posting transfer in violation of the provisions of this policy.

ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule – IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed/ implemented.

5. All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/ Transfer.

(Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003).

Amjad Ali
ADVOCATE
SUPREME COURT

BEFORE THE PESHAWAR HIGH COURT BENCH AT MINGORA

(DAR-UL-QAZA) SWAT

W.P No. 992-M of 2021

Aux Q 58

(1) Zulfiqar-Ul-Mulk S/o Ihsan-Uddin (2) Muhammad Sharjeel S/o Zulfiqar-Ul-Mulk R/o Muhallah Aligarh P/o Akura Khatak, Tehsil Jehangeira, District Nowshera.

(3) Kaniza Aisha D/o Mukhtar Ahmad (4) Mukhtar Ahmad S/o Muhammad Amoz KhanR/o Verkop Corkhow Upper Chitral.

.....Petitioners

ATTESTED
Examiner
Peshawar High Court Bench
Mingora Dar-ul-Qaza, Swat.

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary Peshawar.
2. Commissioner Malakand Division at Gulkada Saidu Sharif.
3. Deputy Commissioner Upper Chitral.
4. Senior Member Board of Revenue at Peshawar

.....Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973.

Amjad Ali
ADVOCATE SUPREME COURT

FILED TODAY
26 OCT 2021

Respectfully Sheweth:-

Brief Facts as under:

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1. That the petitioner No. 01 is the real son of petitioner No. 02 they are bonafide citizens of Pakistan and permanent residents of Muhallah Aligarh P/o Akura Khatak, Tehsil Jehangera, District Nowshera and petitioner No. 03 is the real daughter of petitioner No. 04 and are the permanent residents of Verkop Corkhow Upper Chitral.. <u>(Copies of CNICs & SSC of the petitioners are annexed "A").</u>

2. That the Nikah and Rukhsati of the petitioners Nos 02 & 03 was to be solemnized according to Sharia Muhammadi (S.A.W) at Chitral with free consent of the parties and their parents and both the families started their preparation for marriage ceremony which was scheduled for 15-10-2021, and the prevailing pre-marriage rituals were celebrated by the respective families.

ATTESTED
Examiner
Peshawar High Court Bench
Mingora Dar-ul-Qaza, Swat.

3. That petitioners Nos. 02 & 03 are sui juris adult Muslim citizens of the country, and there is no legal bar on the marriage of the petitioners Nos. 02 & 03.

4. That due to reasons better known to respondent No. 03 formalities in shape of NOC from the office of the respondent No. 03 has been made as a pre-requisite in case of marriage of a Chitral based female with someone domiciled outside the District of Chitral.

FILED TODAY
26 OCT 2021
Additional Registrar

5. That as stated above, petitioner No. 01 as a pre-cautionary measure and to avoid any inconvenience in the marriage ceremony of petitioners Nos 02 & 03 applied for the

Amjad Zia
ADVOCATE
SUPREME COURT

said NOC which was issued by respondent No. 03. (Copies application, other documents and NOC are attached as annexure "B")

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6. That later on, respondent No. 03 started pressurizing petitioner No. 04 to cancel the marriage ceremony of the petitioners Nos. 02 & 03 and also cancelled the already issued NOC vide letter No. 590-92/DCUC/AGIII/17 dated 14-10-2021. (Copy of letter is attached as annexure "C")

7. That the respondent No. 03 had not only cancelled NOC for marriage of the petitioners Nos. 02 & 03 but has also restrained their marriage by coercive actions, resultantly the marriage of the petitioners was forcibly restrained on the fixed date which caused huge financial and mental loss to the petitioners, and all the customary marriage arrangements were sabotaged.

ATTESTED
Examiner
Peshawar High Court Bench
Mingora Dar-ul-Qaza, Swat.

The petitioners having no other adequate and efficacious remedy approach this august court on the following grounds, inter alia.

GROUNDS:

a. That the action and inaction of the respondents is illegal, fanciful and arbitrary, the same is the authoritarian abuse of the administrative authority.

FILED TODAY
20 OCT 2021
Additional Registrar

b. That Sharia being the supreme law of the land did not prescribe NOCs for marriage from any functionary of the State. nor is the same required under any law

Amjad Ali
ADVOCATE
SUPREME COURT

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c. That marriage of the petitioners Nos. 02 & 03 has been, and has to be governed only by the principles of the personal law of the petitioners Nos. 02 & 03, Sharia Muhammadi (S.A.W).

d. That respondents have no valid authority to issue and cancel any NOC or in any manner interrupt and restrain the marriage ceremony of the petitioners Nos. 02 & 03.

e. That law of Child Marriage Restrain Act 1929 did not apply to the marriage of the petitioners, as both of the contracting are puber, adult persons and well competent to enter into matrimonial relationship.

f. That elaborated procedure has been given by the ibid Act to deal with under age marriages and did not confer any jurisdiction upon the respondents for their impugned actions.

ATTESTED
Examiner
Peshawar High Court Bench
Mingora Dar-ul-Qaza, Swat

g. That the impugned cancellation letter No. 590-92/DCUC/AGIII/17 dated 14-10-2021 issued by respondent No. 03 is based on mala fide and personal ill will of the respondent No. 03 with petitioner No. 01, who is serving as Education District Officer (EDO) Upper Chitral.

FILED TODAY
26 OCT 2021
Additional Registrar

Amjad
ADVOCATE
SUPREME COURT

h. That the respondents by way of their impugned action had violated the fundamental rights of the petitioners especially the right of equality before and equal

protection of law, they have also curtailed basic freedom of the petitioners.

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i. That any other grounds not specifically raised will be argued with prior permission of this august court.

It is therefore very humbly prayed that, by acceptance of the instant writ petition,

i. The impugned letter No. 590-92/DCUC/AGIII/17 dated 14-10-2021 may kindly be declared as null and void and without any legal effect.

ii. That the respondents may kindly be restrained from any interference in the marriage ceremony of the petitioners Nos. 02 & 03.

iii. That the respondent No. 03 be directed to adequately compensate the petitioners for the loss and damages sustained to the petitioners by the respondent No. 03.

ATTESTED
Examiner
Peshawar High Court Bench
Mingora Dar-ul-Qaza, Swat

Any other relief not specifically prayed but this august court deem proper may also be granted.

Amjad
ADVOCATE
SUPREME COURT

Interim Relief:

By way of interim relief the impugned cancellation letter No. 590-92/DCUC/AGIII/17 my kindly be suspended and the respondent may kindly be refrained from interfering in the marriage ceremony of the petitioners Nos. 02 & 03.

FILED TODAY
26 OCT 2021
Additional Registrar

Petitioners
Through
SULIMAN KHAN & SAYED TAHIR SHAH

63

CERTIFICATE:

Certified that no such like Writ Petition had been earlier filed by the Petitioners before this Honorable court as per instruction of our client.

SULIMAN KHAN & SAYED TAHIR SHAH

Advocate High Court

LIST OF BOOKS:

1. Constitution of Islamic Republic of Pakistan, 1973.
2. Law / Books as per need.

SULIMA NKHAN & SAYED TAHIR SHAH

Advocate High court

ATTESTED
Examiner
Peshawar High Court Bench
Mingora Dar-ul-Qaza, Swat.

Amjad Ali
ADVOCATE
SUPREME COURT

FILED TODAY

26 OCT 2021

Additional Registrar

BEFORE THE PESHAWAR HIGH COURT BENCH AT MINGORA

(DAR-UL-QAZA) SWAT

64

W.P No. 992-M of 2021

Zulfiqar-Ul-Mulk S/o Ihsan-Uddin R/o Muhallah Aligarh P/o Akura Khatak, Tehsil Jehangera, District Nowshera and others. .....**Petitioners**

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary Peshawar and others. .....**Respondents**

AFFIDAVIT

ATTESTED
Examiner
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Mingora Dar-ul-Qaza, Swat

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SUPREME COURT

I, Zulfiqar-Ul-Mulk S/o Ihsan-Uddin R/o Muhallah Aligarh P/o Akura Khatak, Tehsil Jehangera, District Nowshera, do hereby affirm and declare that all the contents of this Writ Petition are true and correct to the best of my knowledge and nothing has been kept Concealed before this Honorable Court.

DEPONENT

Zulfiqar-Ul-Mulk S/o Ihsan-Uddin

CNIC. 17201-2084878-5

S.No 3967
Certified that the above was verified on Solemn affirmation before me on this 26th day of Oct 2021 by Zulfiqar-Ul-Mulk S/o Ihsan Uddin R/o Nowshera who is identified by self.
Who is personally known to me.
ADDL: REGISTRAR
Peshawar High Court

FILED TODAY

BEFORE THE PESHAWAR HIGH COURT BENCH AT

MINGORA (DAR-UL-QAZA) SWAT

W.P No. 992-M of 2021

65

Zulfiqar-Ul-Mulk S/o Ihsan-Uddin R/o Muhallah Aligarh P/o Akura Khatak, Tehsil Jehangera, District Nowshera and others.

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ADDRESSES OF THE PARTIES.

PETITIONER:

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1. Zulfiqar-Ul-Mulk S/o Ihsan-Uddin (2) Muhammad Sharjeel S/o Zulfiqar-Ul-Mulk R/o Muhallah Aligarh P/o Akura Khatak, Tehsil Jehangera, District Nowshera.

(3) Kaniza Aisha D/o Mukhtar Ahmad (4) Mukhtar Ahmad S/o Muhammad Amoz KhanR/o Verkop Corkhow Upper Chitral

RESPONDENTS:

1. Government of Khyber Pakhtunkhwa through Chief Secretary Peshawar.
2. Commissioner Malakand Division at Gulkada Saidu Sharif.
3. Deputy Commissioner Upper Chitral.
4. Senior Member Board of Revenue at Peshawar.

Petitioners

Through

FILED TODAY

26 OCT 2021

Additional Registrar

SULIMAN KHAN & SAYED TAHIR SHAH
Advocates, High Court

JUDGMENT SHEET

PESHAWAR HIGH COURT, MINGORA BENCH (DAR-UL-QAZA), SWAT
(Judicial Department)

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W.P. No. 992-M/2021
With Interim Relief

JUDGMENT

Date of hearing: **09.11.2021**

Petitioners:- (Zulfiqar-ul-Mulk & 3 others) by Mr. Suliman Khan, Advocate.

Respondents: -(Govt: of KPK & others) by Mr. Raza-ud-Din Khan, Adal: A.G.

WIQAR AHMAD, J.- This order is directed to dispose of the petition filed by petitioners under Article 199 of the Constitution of Islamic Republic of Pakistan 1973.

2. Petitioners have contended in their writ petition that the *Nikah* between Petitioners No. 2 & 3 was to be solemnized according to Sharia at District Chitral with free consent of the parties as well as their parents. The marriage ceremony was scheduled to be held on 15.10.2021 and in this respect No Objection Certificate ("*NOC*") had already been granted by the office of Deputy Commissioner Upper Chitral on 11.10.2021. The parties were busy in preparation of their marriage ceremony, in the meanwhile, respondent No. 3 had revoked the already granted NOC vide the impugned letter No. 10590-92/ DCUC/AG-III/17 dated 14.10.2021. Feeling aggrieved therefrom, petitioners

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have filed the instant writ petition with the following prayer;

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"It is therefore very humbly prayed that, by acceptance of the instant writ petition;

(i) The impugned letter No. 590-92/DCUC/AG-III/17 dated 14.10.2021 may kindly be declared as null and void and without any legal effect.

(ii) That the respondents may kindly be restrained from any interference in the marriage ceremony of the petitioners Nos. 02 & 03.

(iii) That the respondent No. 03 be directed to adequately compensate the petitioners for the loss and damages sustained to the petitioners by the respondent No. 03.

Any other relief not specifically prayed but this august Court deems proper may also be granted."

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3. We have heard arguments of learned counsel for petitioners, learned Addl: A.G for official respondents and perused the record.

4. Perusal of record reveals that the lady i.e. petitioner No. 3 namely Kaniza Aisha has been willing to marry petitioner No. 2 namely Muhammad Sharjeel. Parents of both the parties had also been willing in respect of said marriage. Petitioner No. 3 is present before the Court, who was also asked and she expressed that she had always been willing to marry Muhammad Sharjeel (petitioner No. 2) out of her own will and volition. The Deputy Commissioner Upper Chitral had once granted NOC for the marriage ceremony and then revoked it for the stated reason that

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ADVOCATE
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the girl was minor in age. Sub-section (a) of section 2 of the Child Marriage Restraint Act, 1929 provides ages of "child" as sixteen years for marriage of a girl and age of eighteen years for a boy. Said clause being relevant is reproduced hereunder for ready reference;

(a) "child" means a person who, if a male, is under eighteen years of age, and if a female, is under sixteen years of age."

The petitioner date of birth was 05.07.2004 and on the date of their proposed marriage she had been more than sixteen years of age. She has wrongly been considered a minor girl. The girl who is sought to be married is a *sui juris* lady being of more than sixteen years of age. She cannot be restrained by the Deputy Commissioner from her marriage, moreso when her parents are also willing for such a marriage. Respondents were put on notice through the learned Additional Advocate General of this Court on 03.11.2021. The learned Addl: A.G. stated that the concerned respondents have been of the opinion that the lady had been a minor. Such an opinion is not supported from record as the lady is more than sixteen (16) years of age. We, in the circumstances of the case, find the impugned actions of Deputy Commissioner concerned to have been carried out without lawful authority and in an unlawful manner, as no law in the field prevents the parties from getting married together.

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5. So far as prayer of the petitioners for grant of compensation and damages for scuttling marriage ceremony of the parties is concerned, such a prayer cannot be granted in constitutional jurisdiction of this Court because it would require recording of evidence. Petitioners if so advised may approach competent Court of civil jurisdiction for the purpose. If and when such a suit is instituted same shall be decided on its own merits and according to law.

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6. In light of what has been discussed above, the instant constitutional petition is partially allowed to the effect as stated in our short of even date, which is reproduced hereunder for ready reference;

"For reasons to be recorded later, the instant writ petition is allowed to the effect that impugned letter No. 10590-92/DCUC/AG-III/17 dated 14.10.2021 is declared to be made without lawful authority and hence of no legal effect. Respondents are further restrained from interference or creating any sort of hindrance in the marriage ceremony of petitioners No. 2 & 3. So far as grant of damages or compensation is concerned, the petitioners would be at liberty to institute a civil suit in appropriate Court of law for the purpose, which shall be decided according to law."

Amjad Ali
ADVOCATE
SUPREME COURT

ANNOUNCED
Dt: 09.11.2021

JUDGE

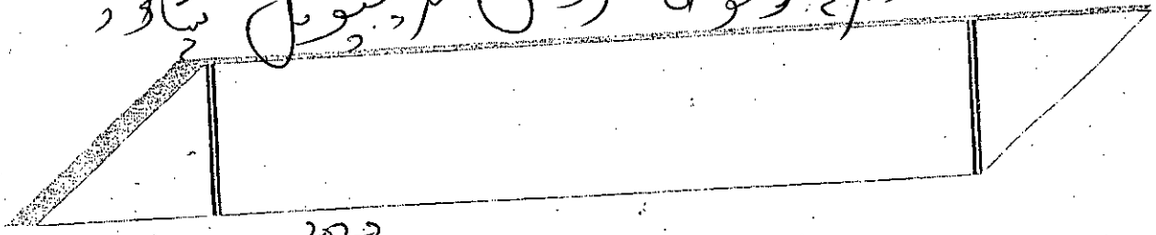
S.No 25
Name of Applicant Abdul Ali Shah
Date of Presentation of Applicant 06-12-2021
Date of Completion of Copies 06
No of Copies 12
Urgent Fee ---
Fee Charged 48/-
Date of Delivery of Copies 06-12-2021

Certified to be true copy
06-12-2021
EXAMINER
Peshawar High Court, Mingora/Dar-ul-Qaza, Swat
Authorized Under Article 87 of Qanoon-e-Shahadat Oder 1984

JUDGE

(70)

بعدالت خیبر پختونخواہ سروس ٹریبونل پشاور



Appellant منجانب 2023ء

مورخہ: 11/2/2023

مقدمہ: ذوالفقار الملک

دعویٰ: service appeal

جرم:

بنام: حکومت خیبر پختونخواہ ہاؤسنگ سیکرٹری وغیرہ

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا اپنی طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقہ

آن مقام پشاور کیلئے **امجد علی ایڈوکیٹ، سپریم کورٹ آف پاکستان**

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے وتقرر ثالث وفیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء وصولی چیک وروپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زاریں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برامدگی اور منسوخی نیز دائر کرنے اپیل نگرانی ونظر ثانی وپیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور وقبول ہوگا دوران مقدمہ میں جو خرچہ وجانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہٰذا **وکالت نامہ** لکھ دیا کہ سند رہے۔

المرقوم: 11 ماہ فروری 2023ء

العبد

گواہ

العبد

بمقام پشاور کے لیے منظور ہے۔

Accepted by:

Amjad Ali
ADVOCATE
SUPREME COURT

Zulfiqar ul Mulk (Appellant)

امجد علی ایڈوکیٹ سپریم کورٹ آف پاکستان، ڈسٹرکٹ کورٹس، مردان

BC 105506

0321-9882434 0321-9870175

Email: amjadaliadvsc@yahoo.com