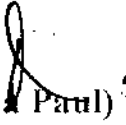


19th Jan. 2023

Lawyers are on strike today.

To come up for arguments on 03.03.2023 before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member (J)

12th Oct. 2022

Junior of learned counsel for the appellant present.
Muhammad Adeel Butt, Addl: AG for respondents
present.

Junior of learned counsel for the appellant seeks
adjournment on the ground that learned senior counsel
was busy before the Hon'ble Peshawar High Court. Last
chance is given to argue the case. To come up for
arguments on 22.11.2022 before D.B.



(Fareeha Paul)
Member(Executive)



(Kalim Arshad Khan)
Chairman

22.11.2022

Learned counsel for the appellant present. Mr.
Muhammad Adeel Butt Additional Advocate General for the
respondents present.

Learned counsel for the appellant requested for
adjournment on the ground that he has not made preparation
for arguments. Adjourned. To come for arguments before the
D.B. on 19.01.2023.

SCANNED
KPST
Peshawar



(Fareeha Paul)
Member (E)




(Kalim Arshad Khan)
Chairman



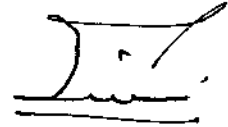
29.04.2022

Junior of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Junior of learned counsel for the appellant seeks adjournment on the ground that learned senior counsel is busy before the Hon'able Peshawar High Court, Peshawar. Adjourned. To come up for arguments before the D.B on 24.06.2022.



(Mian Muhammad)
Member(E)



(Salah Ud Din)
Member(J)

24th June, 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

Learned counsel for the appellant seeks adjournment as he could not prepare the brief. Adjourned. To come up for arguments on 01.09.2022 before the D.B.



(Fareeha Paul)
Member(E)



Chairman

01.09.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, learned Additional Advocate General for the respondents present.

Learned Member (Judicial) Mrs. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 12.10.2022 before the D.B.



(Salah-Ud-Din)
Member(J)

24.05.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 02.09.2021 for the same as before.


Reader


02.09.2021

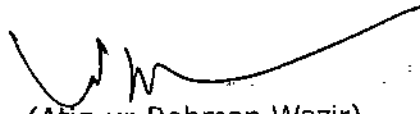
Due to summer vacations, the case is adjourned to 12.01.2022 for the same as before.


READER

12.01.2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

 Former made a request for adjournment as senior counsel for the appellant is busy before Hon'ble Peshawar High Court, Bannu Bench. Request for adjournment is accorded. To come up for arguments before the D.B on 29.04.2022.

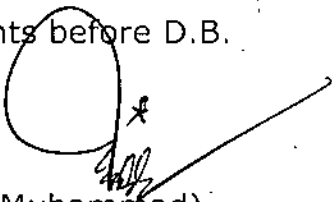

(Atiq-ur-Rehman Wazir)
Member(E)

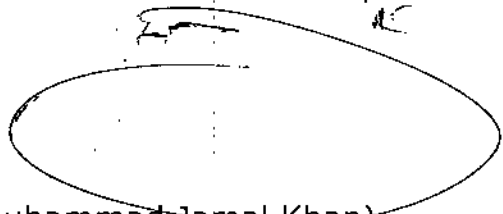

Chairman

25.09.2020

Mr. Shahzullah Yousafzai, Advocate for appellant is present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents is also present.

Learned counsel for appellant is seeking adjournment for preparing the brief. Adjourned to 03.12.2020 on which to come up for arguments before D.B.


(Mian Muhammad)
Member (Executive)


(Muhammad Jamal Khan)
Member (Judicial)

03.12.2020

Due to non-availability of D.B, the case is adjourned to 24.02.2021 for the same as before.

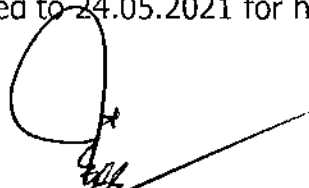

Reader

24.02.2021

Mr. Afrasiyab Khan Wazir, Advocate on behalf of counsel for the appellant and Addl. AG alongwith Mr. Ahmad Yar Khan, AD (Lit) for the respondent No.2 present.

The representative of respondent No.2 states that an appeal arising out of penalty awarded on the strength of same enquiry report was decided by this Tribunal at camp court Swat on 03.09.2021. He therefore, requests for time to lay hands on the judgments before proceedings further in the instant case.

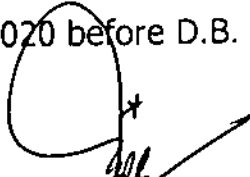
Adjourned to 24.05.2021 for hearing before the D.B.


(Mian Muhammad)
Member(E)


Chairman

12.02.2020

Counsel for the appellant present. Addl: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned To come up for arguments on 27.03.2020 before D.B.


Member


Member

27.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 22.06.2020 before D.B.


Reader

Due to Covid. 19 the case is adjourned. To come up for the same on. 24-07-2020


Reader

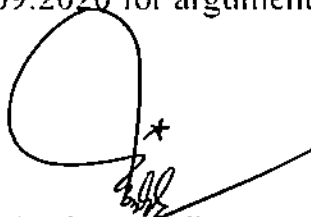
24.07.2020

Nemo for appellant.

Mr. Zia Ullah learned Deputy District Attorney for the respondents present.

Previous date was adjourned on a Reader's note, therefore, notice be issued to appellant and his counsel for 25.09.2020 for arguments, before D.B

*Send on
10/09/2020
Zia Ullah*



(Mian Muhammad)
Member (E)



(Roziña Rehman)
Member (J)

09.08.2019

Junior to counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come for arguments on 02.10.2019 before D.B.


Member


Member

02.10.2019

Learned counsel for the appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General present. Learned counsel for the appellant submitted rejoinder which is placed on file and seeks adjournment. Adjourn. To come up for arguments on 10.12.2019 before D.B.


Member


Member

10.12.2019

Lawyers are on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for further proceedings/arguments on 12.02.2020 before D.B.


Member


Member

21.03.2019

Appellant in person present. Mr. Kabirullah Khattak learned Addl: AG for the respondents present. Written reply not submitted. Learned AAG seeks time to file written reply. Granted. To come up for written reply/comments on 23.04.2019 before S.B.


Member


23.04.2019

Clerk to counsel for the appellant present. Addl: AG for respondents present. Written reply/comments not submitted. Requested for adjournment. Adjourned. Case to come up for written reply/comments on 18.06.2019 before S.B.


(Ahmad Hassan)
Member

18.06.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Sagheer Musharaf, Assistant Director for the respondents present. Representative of respondents No. 2 & 3 submitted written reply and stated at the bar that respondent No. 1 also rely on the same. Case to come up for rejoinder and arguments on 09.08.2019 before D.B.


(Muhammad Amin Khan Kundi)
Member

23.11.2018

Counsel for the appellant Silmat Ara present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving as Family Welfare Worker. It was further contended that during service she was removed from service vide order dated 08.05.2018 on the allegation that she collected graft money of Rs. 20,50,000/- from different individuals in return for provision of jobs. It was further contended that the appellant filed departmental appeal on 21.05.2018 which was rejected on 03.09.2018 hence, the present service appeal on 27.09.2018. It was further contended that neither proper inquiry was conducted nor opportunity of hearing and defence was provided to the appellant therefore, the impugned order is illegal and liable to be set-aside.


The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 14.01.2019 before S.B.


Muhammad Amin Khan Kundi
Member

14.1.2019

Counsel for the appellant and Addl AG alongwith Saghir Musharaf, AD for the respondents present.

The representative of the respondents states that the requisite reply is in the process of preparation and will be submitted positively on the next date. Adjourned to 21.03.2019 before S.B.

Chairman 

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1211/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/10/2018 3-10-18	<p>The appeal of Mst. Silmat Ara resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 2/10/18</p>
2-	19.10.2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>19-10-18</u>.</p> <p style="text-align: right;"><i>[Signature]</i> MEMBER</p> <p>Junior to counsel for the appellant present, and seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for preliminary hearing on 23.11.2018 before S.B</p> <p style="text-align: right;"><i>[Signature]</i> Member</p>

The appeal of Mst. Silmat Ara Ex-Family Welfare Worker Family Welfare Center Sakhakot Malakand received today i.e. on 27.09.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexure-C page-10 of the appeal is illegible which may be replaced by legible/better one.
- 2- Copies of show cause notice and its reply mentioned in para-5 of the memo of appeal are not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal may be attested.

No. 1945/S.T.

Dt. 28-9/2018.



REGISTRAR 28/9/18.
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

Note:

Sir,

objection
That ~~para~~ No. 1 & 3 has been removed.
objection No. 2 has not been removed due
to the show cause notice which has not been
served on the appellant. Hence re-submitted
today dated 02/10/2018.


2/10/2018.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1211 /2018

SILMAT ARA

VS

GOVT: OF KP

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1- 3.
2	Charge sheet and statement of allegation	A	4- 5.
3.	Reply	B	6- 8.
4.	Suspension order	C	9- 10.
5.	Impugned order	D	11.
6.	Departmental appeal	E	12- 13.
7.	Rejection	F	14.
8.	Vakalat nama	15.

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK,
ADVOCATE

Flat No. 3, Upper Floor,
Islamia Club Building,
Khyber Bazar, Peshawar
0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____ /2018

Mst: Silmat Ara, Ex- Family Welfare Worker,

Family Welfare Center Sakhakot, District Malakand.....**APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Population Welfare Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director General Population Welfare Department, Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 08.05.2018 WHEREBY THE APPELLANT HAS BEEN REMOVED FROM SERVICE AND AGAINST THE APPELLATE ORDER DATED 03.09.2018 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS

PRAYER: That on acceptance of this appeal the impugned orders dated 08.05.2018 and 03.09.2018 may very kindly be set aside and the respondents may be directed to re-instate the appellant into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That the appellant was appointed as Family Welfare Worker (BPS-8) under the Khyber Pakhtunkhwa Contract Policy 2002, vide order dated 21.2.2006. That in response the appellant got herself medically examined and submitted her arrival report at FWC Mayar, District Dir Lower.

- 2- That after submission of her arrival report the appellant started performing her duty as Family Welfare Worker at the concerned station quite efficiently and up to the entire satisfaction of her superiors.
- 3- That appellant has served the respondent Department at far flung areas of Malakand division with devotion and efficiently. That during service the appellant undergone through one week refreshing training/Course and successfully completed the same. That during service the post of the appellant was up-graded from BPS-8 to BPS-09 with the same nomenclature i.e. family Welfare Worker.
- 4- That appellant while serving as Family Welfare Worker at Family Welfare Center, Sakhakot the appellant was issued charge sheet along with statement of allegation on the basis of certain allegations. That in response to the said charge sheet and statement of allegation the appellant submitted her detailed reply and denied the allegation with documentary proofs. Copies of the charge sheet along with statement of allegation and reply are attached as annexure..... **A & B.**
- 5- That after issuance of the charge sheet and statement of allegations the appellant was suspended from service vide order dated 10.1.2018 though the authority was required to issued the suspension order of the appellant prior to the charge sheet and statement of allegation. Copy of the suspension order is attached as annexure.....**C.**
- 6- That the respondents without following the legal procedure straight away issued the impugned order dated 08.05.2018 whereby major penalty of removal from service was imposed on the appellant. Copy of the impugned order is attached as annexure**D.**
- 7- That appellant feeling aggrieved from the impugned order dated 08.05.2018 preferred Departmental appeal to the appellate authority but the same has been rejected by the appellate authority vide order dated 03.09.2018 on no good grounds. Copies of the Departmental appeal and rejection order are attached as annexure.....**E & F.**
- 8- That the appellant having no other remedy filed the instant appeal on the following grounds amongst the others.

GROUNDS:

- A- That the impugned orders dated 08.05.2018 and 03.09.2018 issued by the respondents are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated in accordance with law and rules by the respondents on the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan-1973.
- C- That no fact finding inquiry has been conducted in the matter and as such the respondents straight away issued the impugned order dated 08.05.2018, therefore the same is not tenable and liable to be set aside.
- D- That no legal procedure has been followed by the respondent Department mentioned in the efficiency and disciplinary Rules 2011 and directly issued the impugned order dated 08.05.2018.
- E- That the appellant has been condemned unheard and punished on no fault on her part rather the appellant has been made escape goat by saving the skin of his blue eyed person.
- F- That the respondents acted in arbitrary and malafide manner while issuing the impugned order dated 08.05.2018.
- G- That no show cause notice has been issued against the appellant before issuing the impugned order dated 8.5.2018.
- H- That neither chance of personal hearing nor opportunity of cross examination has been provided to the appellant before issuing of the impugned order dated 8.5.2018.
- I- That no regular inquiry has been conducted in the matter which is as per Supreme Court judgments is necessary in matters of punitive actions against the Civil servant.
- J- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 26.09.2018

APPELLANT




SILMAT ARA

THROUGH:



NOOR MOHAMMAD KHATTAK

&



MUHAMMAD MAAZ MADNI

ADVOCATES

CHARGE SHEET

A-④

1, Mohammad Azam Khan Chief Secretary, Khyber Pakhtunkhwa, as competent authority, hereby charge you, Mrs. Silmat Ara (BS-9), Family Welfare Worker, FWC Sakhakot, DPW Office, Malakand, as follows:

That you, while posted as Family Welfare Worker, FWC Sakhakot, Malakand, committed the following irregularities:

- (a) That you have admitted in your complaint to have collected graft money of Rs. 20,50,000/- from different individuals in return for provision of jobs. The aforesaid admission for collection of graft amount proves your misconduct and involvement in corruption and malpractices.
2. By reasons of the above, you appear to be guilty of mis-conduct 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 defense, 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. A statement of allegations is enclosed.

ATTACHED
[Signature]

[Signature]
Chief Secretary
Khyber Pakhtunkhwa
(Competent Authority)


DISCIPLINARY ACTION

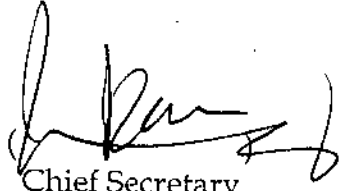
5

I, Mohammed Azam Khan Chief Secretary, Khyber Pakhtunkhwa, as competent authority, am of the opinion that Mrs. Silmat Ara, Family Welfare Worker (BS-9); FWC Sakhakot, DPW Office, Malakand has rendered herself liable to be proceeded against, as she committed the following acts/omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa, Government Servants (Efficiency and Discipline) Rules, 2011:

STATEMENT OF ALLEGATIONS

- (i) She admitted in her complaint to have collected graft money of Rs. 20,50,000/- from different individuals in return of jobs. The aforesaid admission for collection of graft amount proves her misconduct and involvement in corruption and mal-practices.
2. For the purpose of inquiry against the said accused with reference to the above allegations, an Inquiry Officer / Inquiry Committee, consisting of the following is constituted under Rule-10(1)(a) of the ibid rules.
- i. Mr. Shah Sand, DS Home Deptt.
- ii. _____
- iii. _____
3. The inquiry officer / inquiry committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Inquiry Officer / Inquiry Committee.

ATTESTED



Chief Secretary
Govt. of Khyber Pakhtunkhwa
Competent Authority

To

The Honorable Chief Secretary Khyber Pakhtunkhwa,
Khyber Pakhtunkhwa, Peshawar.

B-6

Subject: REPLY TO THE CHARGE SHEET AND STATEMENT OF ALLEGATION ISSUED TO ME ON 14.9.2017

R/Sir,

Reference to your letter No.F.No.4(6)/2011/Admn/5109-12 dated 14-09-2017 on the subject noted above along with attached charge sheet & statement of allegation.

In this connection, it is stated that I have already submitted a detailed reply in April 2017 in response to the previous Charge Sheet & Statement of allegation issued to me on the same subject. That in the previous reply I have denied the allegation by explaining the whole scenario about the issue in dispute.

Respected Sir I have been instructed and directed by the above mentioned officer to collect the money from the candidates and handed over the same to me (the above mentioned officer). I have only been used as a pathway or bridge between the candidates and the District Population Welfare Officer of Malakand namely Mr. Ahmad Ali. Respected Sir neither I am the appointing authority for the appointment of any person in the Department nor I am the member of Departmental selection committee. I have been dragged in the matter for the act and omission done by the concerned District Population Welfare officer Malakand namely Mr. Ahmad Ali who received the graft money amounting Rs. 20,50,000/= from the candidates through me.

Moreover the instant charge sheet and statement of allegation and further proceedings have no force of law on the reason that in the instant issue already an inquiry has been constituted and finalized.

It is therefore, most humbly requested that on acceptance of this reply to the charge sheet and statement of allegation I may kindly be exonerated from the allegation and I may kindly be re-instated into service with all back benefits.

Dated: 20/9/2017

ATTACHED
[Handwritten signature]

Obediently Yours,

Mrs. Silmat Ma, FFW (BPS-09),
FWC Sakhakot, Malakand.

میں اخصانہ دفتر محمد حیات سید خانہ خانی

حالیہ بیان دہی میں کہ میں سہرت آرا اخصانہ

بیوڈ (جو میں میں نے (س کوئی) سے وغیرہ دے

میں جو کوئی بھی کیا ہے کسی نے یہ سب کچھ مردہ

رحمانہ اسلم

مناشی کارہ

15401-06941-55-0

CRIC # 0349 2535453

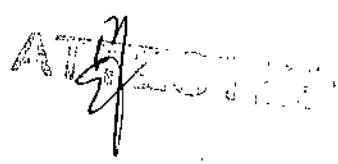
ATTESTURE
6/

ڈسٹرکٹ پاپولیشن افسر ڈسٹرکٹ ملاکنڈ ہٹ خیالہ

عرض کی جاتی ہے کہ میں کامران سکھ ملاکنڈ نے مس سلامت آرہ انچارج ایف ڈبلیو سی سخاکوٹ کو معاف کر دیا
انندہ وہ کسی سے اس قسم کا لین دین نہ رکھیں۔ سلامت آرہ نے نہ مجھ سے کوئی بسہ لیا ہے اور نہ میں نے دی ہے۔ اس لیے ان کو
گرتا ہوں کہ انندہ بات چیت کے دوران خیال رکھیں۔ اور ان کے کہنے کے مطابق انہوں نے آج تک کسی سے پیسے نہیں لیے جس پر
یقین ہو گیا ہے۔


کامران

نائب کورٹ تحصیل درگئی سکھ ملاکنڈ



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE GENERAL POPULATION WELFARE
Plot No.18, Sector E-8, Phase-7, Hayatabad, Peshawar

C-9

Dated Peshawar the 10/1/2018.

OFFICE ORDER

F.No.4(6)2017/Admn:- In light of the instructions / orders of Admn Department PW vide letter No. SOE (PWD) 1-3/2017/Inquiry/3942-44 dated 02nd January, 2018 & consequent upon the initiation of disciplinary proceedings by the Ant-Corruption Establishment Court, the services of Mrs. Silmata Ara, Family Welfare Worker (BPS-09) FWC Sakhakot District Malakand is hereby placed under suspension, under CSR-194, with immediate effect & till further orders.

(Director General)
Population Welfare Department

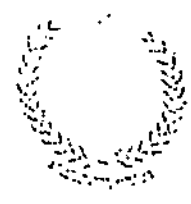
Copy forwarded to the:-

1. Section officer (Establishment) w/r to letter quoted above.
2. District Population Welfare Officer, Malakand.
3. District Accounts Officer, Malakand.
4. Official concerned.
5. Personal File.
6. Master File.

(Hidayat Khan)
Deputy Director (Admn)

Steno
Send this copy to
official concerned
15-1-2018

27



OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, DC 20301-1000

10/04/2018

OFFICE ORDER

10/04/2018 17:00:00. The number of days of even number...
...of 90 days...
...of 2011 in the...

Regulation of the Department

Copy forwarded to the...

- 1. [unclear]
- 2. [unclear]
- 3. [unclear]
- 4. [unclear]
- 5. [unclear]
- 6. [unclear]
- 7. [unclear]
- 8. [unclear]

Action
Inform the official
10/9/18

ATTN: [unclear]
[Signature]

Official [unclear]
[unclear]



GOVERNMENT OF KHYBER PAKHTUNKHWA,
POPULATION WELFARE DEPARTMENT
02nd Floor, Abdul Wali Khan Mall, Peshawar

D-11

Dated Peshawar the 08th May, 2018

NOTIFICATION

No. SOE (PWD) 1-3/2017/Inquiry; Where as, Mrs. Silit Ara the then FWW (BS-9), FWC Sakhakot, District Population Welfare Office, Malakand was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the Statement of Allegations;

AND WHEREAS, Mr. Shah Saad (OS-18), Deputy Secretary (Security), Home & Tribal Affairs Department was appointed as Inquiry Officer to conduct Inquiry against the said official for charges leveled against her in accordance with rules;

AND WHEREAS, the Inquiry Officer, after having examined the charges, evidence on record and explanation of the accused official, submitted his report;

AND WHEREAS, on the basis of findings and recommendations of the Inquiry Officer, Show Cause Notice was served upon the accused official to which she replied;

NOW, THEREFORE the Competent Authority after having considered the charges, evidence on record, findings of inquiry officer, the reply of the accused official to the Show Cause and hearing her in person on 04-04-2018, and exercising his powers under Rule 14 (5) (ii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 has been pleased to impose major penalty of "Removal from Service" upon Mrs. Silit Ara the then FWW (BS-9), FWC Sakhakot, Malakand with immediate effect.

SECRETARY
GOVT. OF KHYBER PAKHTUNKHWA
POPULATION WELFARE DEPARTMENT

Endst: No. SOE (PWD) 1-3/2017/Inquiry/2769-9

Dated: 08th May, 2018

Copy forwarded for information & necessary to the:-

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Director, General Population Welfare Department, Peshawar.
4. PS to Govt. of KPK, Establishment Department, Peshawar.
5. PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
6. PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.
7. PA to Advisor to the Chief Minister for PWD, Khyber Pakhtunkhwa, Peshawar.
8. District PW Office, Malakand
9. District Accounts Officer, Malakand
10. Mrs. Silit Ara the then FWW, FWC Sakhakot, Malakand C/O DPW Office, Malakand
11. Master file

SECTION OFFICER (ESTT)
Phone No. 091-9223623

To,

The Honorable Chief Secretary Khyber Pakhtunkhwa,
Khyber Pakhtunkhwa, Peshawar.

25-5-18

E-12

Subject: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 08.05.2018 COMMUNICATED TO THE APPELLANT ON 15.5.2018 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE HAS BEEN IMPOSED ON THE APPELLANT WITHOUT FOLLOWING THE CODAL FORMALITIES

R/SHEWETH:


Most humbly Appellant begs to submit as under:-


- 1- That initially the appellant was appointed as Family Welfare Worker (BPS-8) under the Khyber Pakhtunkhwa Contract Policy 2002, vide order dated 21.2.2006. That in response the appellant got herself medically examined and submitted her arrival report at FWC Mayar, District Dir Lower.
- 2- That after submission of her arrival report the appellant started performing her duty as Family Welfare Worker at the concerned station quite efficiently and up to the entire satisfaction of her superiors.
- 3- That vide order dated 01.03.2008 the appellant was transferred from District Dir Lower to District Malakand in the public interest. That in response to the said order dated 01.03.2008 the appellant submitted her charge report and started performing her duty.
- 4- That vide order dated 24.8.2008 the services of the appellant were placed at the disposal of Mobile Service Unit Dargai to assist the Women Medical Officer in charge Mobile Service Unit Dargai.
- 5- That during service the appellant undergone through one week refreshing training/Course and successfully completed the same. That during service the post of the appellant was up-graded from (BPS-8 to BPS-9) with the same nomenclature i.e. Family Welfare Worker.
- 6- That during service the appellant was further transfer to Population Welfare Centre, Sakhakot as Family Welfare Worker (BPS-9). That during service the appellant was suspended on certain allegations vide order dated 20.4.2017. That the concerned authority without fact finding, inquiry straight away initiated Departmental inquiry against the appellant.

- 7- That the said Departmental inquiry was completed with the observation/recommendations that the appellant is innocent and not involved in the allegations of corruption and mal practice.
- 8- That astonishingly the concerned authority constituted/initiated another Departmental inquiry against the appellant along with District Officer population Welfare Department District Malakand namely Mr. Ahmad Ali S/O Farman Ullah.
- 9- That the concerned authority without following the legal procedure mentioned in efficiency and disciplinary Rules 2011 issued the impugned order dated 08.05.2018 whereby major penalty of removal from service has been imposed on the appellant.
- 10- That the concerned authorities have not been adopted the Government of Khyber Pakhtunkhwa, Government Servant Efficiency and Disciplinary Rules-2011 and as such the appellant has been condemned unheard and punished on no fault on her part by the concerned authority.

It is therefore, most humbly requested that on acceptance of this Departmental appeal the impugned order dated 08.05.2018 communicated to the appellant on 15.5.2018 may very kindly be set aside and the appellant may kindly be re-instated into service with all back benefits.

Dated: 21.05.2018

ATTORNEY


APPELLANT

Silmat Ara
 Ex- FV/W, Sakhakot, Malakand.



GOVERNMENT OF KHYBER PAKHTUNKHWA,
POPULATION WELFARE DEPARTMENT
02nd Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar

F-14

No. SOE (PWD) 1-3/2017/Inquiry/4399-4403
Dated Peshawar the 03rd September, 2018

To

Mrs. Silmat Ara,
Ex-FWW, Sakhakot DPW Office, Malakand,
C/o DPW Office, Malakand.

Subject: - DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 08-05-2018 REGARDING REMOVAL FROM SERVICE

I am directed to refer to your Appeal dated 21-05-2018 on the subject noted above and to convey that the competent authority has considered your appeal and has been pleased to file the same, being devoid of merit.

SECTION OFFICER (ESTT)

Copy to the: -

1. Director General, Directorate General, PW, Khyber Pakhtunkhwa, Peshawar.
2. DPW Officer, Malakand at Batkhela.
3. District Accounts Officer, Malakand.
4. PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (ESTT)

Admin
Inform the above
name ex-official
Mog

ATTACHED

Diary No: _____
Date: _____

VAKALATNAMA

Before the Khyber Pakhtunkhwa Service Tribunal
Peshawar
OF 2018

Sidmat Awa

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt. of KP & Others

(RESPONDENT)
(DEFENDANT)

I/We Sidmat Awa

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

Dated. ___/___/2018



CLIENT



ACCEPTED

NOOR MOHAMMAD KHATTAK

&



MUHAMMAD MAAZ MADNI
ADVOCATES

OFFICE:
Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.
Phone: 091-2211391
Mobile No. **0345-9383141**

IN THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA
AT CAMP COURT SWAT.

In Service Appeal No.1211/2018

Silmat Ara (Appellant)

VS

Government of Khyber Pakhtunkhwa (Respondents)

INDEX

S.No.	Documents	Annexure	Page
1	Parawise comments/reply		1-2
2	Affidavit		3
3	Complaint	A	4
4	Nomination of inquiry officer	B	5
5	De-novo inquiry	C	6
6	Suspension order 20.04.2017 & 10.01.2018	D&E	7-8
7	Show cause notice & reply	F&G	9-10
8	Termination order	H	11



Deponent

Sagheer Musharrat
Assistant Director (Lit)

In Service Appeal No.1211/2018

Silmata Ara (Appellant)

VS

Government of Khyber Pakhtunkhwa (Respondents)

JOINT PARA-WISE REPLY/COMMENTS ON BEHALF OF THE RESPONDENTS.

Respectfully Sheweth,

PRELIMINARY OBJECTIONS.

1. That the appellant has got not locus standi to file the instant appeal.
2. That the Tribunal has no jurisdiction to adjudicate the matter.
3. That the instant appeal is bad in the eye of law.
4. That the appeal is based on distortion of facts and is not maintainable in its present form.
5. That the appellant has come to the Tribunal with un-cleaned hands.
6. That the appellant has been estopped by his own conduct to file the appeal.
7. That the appellant has no cause of action or locus standi.

ON FACTS.

1. Pertains to record need no comments
2. Pertains to record need no comments.
3. Pertains to record need no comments.
4. Incorrect. The appellant concealed the facts from this Honourable Tribunal. That she filed a complaint leveling serious charges of taking bribe money against Mr. Ahmad Ali, the then DPWO, and Malakand (Annexure A). The competent authority constituted an Inquiry committee to investigate the contents of the complaint made by Mst. Silmat Ara, and fix responsibility on the person involved in the scam (Annexure B). On the basis of Departmental Inquiry the competent authority appointed Mr. Mian Ainullah (PMSBS-18) District Office (F&P) Mardan to conduct formal inquiry. The competent authority did not agreed with report of inquiry Officer and order to conduct de-novo inquiry. Mr. Shah Saud Deputy Secretary (Security) BS-18 Home and TA Department Khyber Pakhtunkhwa nominated as inquiry officer. The inquiry officer submitted his report on 13-11-2017 (Annexure C). Therefore charge sheet and statement of allegation was served upon to the appellant.
5. Incorrect. The appellant was suspended under Rule-6 of Khyber Pakhtunkhwa Government Servant (efficiency and discipline) Rules, 2011 with immediate effect initially for a period of 90 days on 20-04-2017 & 10-01-2018 (Annexure-D&E).
6. Incorrect. On the basis of inquiry report show cause notice was served upon to the appellant on 06-01-2018 she submitted her reply to the show cause notice on 08-01-2018 (Annexure-F&G). therefore the competent authority after having considered the charges, evidence on record, findings of inquiry officer, the reply of the accused official to the show cause and hearing her in person on 04-04-2018 and exercising his powers under Rule-14(5) (ii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline)Rules, 2011 has been pleased to impose major penalty of

"Removal from Service" upon Mrs. Silmat Ara the then FWW (BPS-09); FWC Sakhakot, Malakand with immediate effect. (Annexure-I).

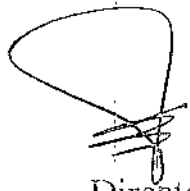
7. Correct to the instant that competent authority has filed the departmental appeal of the appellants being devoid of merit.
8. No comments.

ON GROUNDS

- A. Incorrect. All action taken according to Law Rules & Regulation.
- B. Incorrect the appellants has been treated in accordance with Law Rules & Regulation.
- C. Incorrect. As explain in para 4-5 of the facts above.
- D. Incorrect. The appellants was rightly removed from service after fulfillment of all codal formalities.
- E. Incorrect. As explained in Para 4,5 & 6 of the facts above.
- F. Incorrect. As explained ground C above.
- G. Incorrect. As explained in para-6 above.
- H. Incorrect. The appellants was heard in person on 04-04-2018.
- I. Incorrect. Verbatim distortion of facts and concealment from the Honourable Tribunal.
- J. Any further grounds raised by the appellants will accordingly be responded in the light of relevant law, rules and record, with the permission of this Hon'able Court.

PRAYER:-

Keeping in view the above, it is prayed, that the instant appeal may kindly be dismissed with cost.



Director General,
Population Welfare Directorate
Khyber Pakhtunkhwa
Respondent .3



Secretary to Govt. 6/3/19
of Khyber Pakhtunkhwa
Population Welfare Department
Respondent No.2

37

IN THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA
AT CAMP COURT SWAT.

In Service Appeal No.1211/2018

Silmata Ara

(Appellant)

VS

Government of Khyber Pakhtunkhwa (Respondents)

Affidavit

I Mr. Sagheer Musharraf, Assistant Director (Litigation), Directorate General of Population Welfare Department do solemnly affirm and declare on oath that the contents of para-wise comments/reply are true and correct to the best of my knowledge and available record and nothing has been concealed from this Honorable Tribunal.


Deponent

Sagheer Musharraf
Assistant Director (Lit)
CNIC.17301-1642774-9

Handwritten signature or mark at the top left.

05/12/17

MA Wali
DOME
P-19
D.S.
ABC Malakand

Amor-A

بیلجی مرتبہ سٹیبل میں کچے جب سٹیبل فٹم سے انور احمد علی سے
نے کیا ہے لہذا اسے ڈیٹا رٹینٹ میں اسٹیبل انادرس سے روٹی میں
Secy. PWD. P.

سیوں پر آگے کام ہو گا *strongly Recommended*
for necessary activities
انجا 7 کئی ایک لاکھ دیکھا اس پر اس کے
5112/16

میل اور میل اسٹیشن کئی ایک لاکھ لہذا
جو کئی اور - دانی - 8 ہزار -

بیلجی دفعہ احمد علی صیب کو جو کہ کئی دن میں ان کے آفس میں
سوشل میں بہتر کر کے لاکھ لاکھ روپے دیے - کھواٹے 10/15

دوسرا دفعہ احمد علی صیب نے دفعہ کھلیا ہے یہ سامان اپنے سٹور میں منگوا
وہ سامان منگوا کر اس میں لاکھ لاکھ روپے لکھ بیاریج کا 15/16

تو صیب احمد ذہیب کچھ سٹر آئے اور سامان انہوں نے منگوا کر
کئی مرتبہ آفس میں خود احمد علی صیب نے کیا ہے باقی اہم ہے

کو میں نے اسے دیکھا ہے کئی دنوں سے یہ دانی سے کئی اہم سامان

وہ اٹھتا ہے اس نے ڈرائی فرم میں کیا ہے

19.11.19 کو دستِ تحریر بنا جو کوئی نہ کرے کیا ہے

یہ اس بات کی گواہ ہے کہ وہ بھی ہے وہ ہے

یا جو عیب نے کیا ہے اس کے ساتھ فونٹ کے والے کا دور

یہ اس میں دو عیب کے ساتھ والے کے دوکان میں رکھوا

اعد صاحب کو چاہئے اس میں کیا ہے اجابت اس کے پاس

یہ تو صاحب نے کیا ہے عیب سے میں وصول کر لوں گا

تقریب اس کے بعد جو کئی مرتبہ ہم سرسین میں بیٹھا

14.3.2014 کو صاحب نے سٹیٹ ٹاؤن میں کیا ہے کیا ہے

امانت سے وہ لے جائے جائے وقت وہ خود صاحب اپنے ساتھ لے گیا

اس لیے یہ رقم احمد علی عیب کے خود سٹیٹ ٹاؤن میں 3 لاکھ 50

سہ لاکھ لے لی۔ یہ رقم جو وہ وہ لاکھ روپے کی ہے

اوپر ہے وہ احمد علی عیب نے اس پر 2 واپس لے لی

پہلی مرتبہ $10 \frac{2}{15}$ لاکھ روپے لکھنؤ میں

دوسری مرتبہ $8 \frac{6}{13}$ لاکھ روپے شامیان میں

تیسری مرتبہ $19 \frac{11}{2015}$ لاکھ روپے ڈوال فرسٹ میں

چوتھی بار $14 \frac{3}{16}$ لاکھ روپے 5 ہزار 11 سترے لکھنؤ میں

موتی رقم مبلغ 20 لاکھ روپے ہزار

محمد احمد علی صاحب نے پہلے نو دستہ چاہا یہ اس طرح 2 ٹوکوں سے

دہلے روپوں جب میں نے ایک ہندے کا مران سے جو وہاں لیا

میں نے اس کو اپنے گھر کا تہہ سمجھا لیا اور یہاں سے آگے آئیں

راہم میں اے اے ایم بی ایچ کی طرح چلا گیا وہ روپے رکھا رہا

اس نے احمد علی صاحب کے لئے لیا اور کچھ خاص اس کو دیا

جب صاحب نے صوفی آفس میں بلا یا تو سنا یہ یہ معاملہ

میں دفعہ دفعہ کر لیا لیکن اگر کم نے زبان کھولی تو میں

اسی وقت ہمیں Termination آرڈر کھم دونگا اور اگر یہ
 کھوی یا نہی تو کچھ کیا ہو اس میں بہا ری کا - + بہا ری
 جان بھی سکتی ہے اس لیے میں اس دھمکی سے ڈرتی ہوں
 میں اس میں مبتلا بھی ڈر کر مارے ہیں جانی تھی - اور
 اسی رفتار تک توجہ سے یہ آج تک کچھ بلیک میل کر رہی
 صاحب نے مجھے خود کیا تھا نہ یہ میں ہمارے ستر صاحب نے پاس
 طابا ہے اس لیے میں نے ڈسٹرکٹ جارجسہ کے لوگوں سے بھی اپنے
 ایک پیلی انکوائری سے بات کی کچھ عرصے لوگ صبر نہیں کر رہے تھے
 اور اسے ستر مانگ رہے تھے صبر نے پاس جو فون کئے ہیں اور
 میں نے صاحب کو کہا کہ آفیس کے پاس PTA پر ان سے بات کر
 تو رہیوں نے کیا یہ 3 ماہ صبر ہر دن پوسٹ کے آرڈر پر
 میں رہے تو مجھ سے صبر کا گھر اعدا میں کے کانٹاک کے ہم

انکوائری اور اس کے لیے
 sil mat para 9466958

سلٹ 01
 03339466958

NICAD-15401-4020013-6

19.12.2016

Annex - II

B

GOVERNMENT OF KHYBER PAKHTUNKHWA,
POPULATION WELFARE DEPARTMENT
02nd Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar

Dated Peshawar the 06th December, 2016

NOTIFICATION

No. SOE (PWD) 1-3/2015/: - The competent authority is pleased to constitute a committee comprising the following to investigate the contents of the statement made by Ms. Silmat Ara, I/c FW Center, Skhakot (copy enclosed) and fix responsibility on the persons involved in the scam: -

i.	Mr. Muhammad Wali, BS-19 Director (PME), PWD.	Chairman
ii.	Mr. Abdul Malik, BS-18, Deputy Secretary (Admn), PWD.	Member
iii.	Mr. Muhammad Naeem Khan, BS-18, Additional Deputy Commissioner, Malakand.	Member

The Committee to submit its report within ten (10) days positively.


SECRETARY
POPULATION WELFARE DEPARTMENT

Endst: No. SOE (PWD) 1-3/2015/3611-19

Dated Peshawar the 06th Dec: 2016

Copy to information & necessary action to the: -

1. Deputy Commissioner, Malakand with reference to the discussion held on 05th December, 2016 over phone with the Secretary, PWD, KPK, Peshawar that Mr. Muhammad Naeem Khan, ADC Malakand to participate as member of the committee to probe into the matter.
2. Director General, Population Welfare, Khyber Pakhtunkhwa, Peshawar.
3. Mr. Abdul Malik, Deputy Secretary (Admn), PWD, KPK, Peshawar.
4. Mr. Muhammad Wali, Director (PME), PWD, KPK, Peshawar to coordinate with all members for completion of the investigation within the stipulated period.
5. Additional Deputy Commissioner, Malakand.
6. PS. to Advisor the CM for PWD, Khyber Pakhtunkhwa, Peshawar with reference to his remarks on the statement of I/c FWC Skhakot, Malakand.
7. PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.
8. Miss. Silmat Ara, I/c FWC, Skhakot Malakand.
9. Master file.


SECTION OFFICER (ESTT)

C

GOVERNMENT OF KHYBER PAKHTUNKHWA,
POPULATION WELFARE DEPARTMENT
02nd Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar

No. SOE (PWD) 1-34/2009/PF/KC/846-52
Dated Peshawar the 11th September, 2017

Mr. Shah Saud (PMS BS-18),
Deputy Secretary, Home & TAs Deptt,
Khyber Pakhtunkhwa, Peshawar.

Subject: - COMPLAINT OF MRS. SILMAT ARA, FAMILY WELFARE WORKER (BS-9) FWC, SAKHAKOT, MALAKAND AGAINST MR. AHMAD ALI, DISTRICT POPULATION WELFARE OFFICER (BS-17) MALAKAND FOR RECEIVING GRAFT MONEY OF RS. 20, 50, 000/- FROM HER IN RETURN FOR PROVISION OF EMPLOYMENT & JOBS AT POPULATION WELFARE DEPARTMENT, MALAKAND

Dear Sir,

I am directed to refer to the subject noted above and to state that the competent authority i.e. the Chief Secretary, Khyber Pakhtunkhwa has been pleased to order disciplinary proceedings against Mr. Ahmad Ali (BS-17) posted as District Population Welfare Officer, Malakand and Mrs. Silmat Ara, Family Welfare Worker (BS-9), FWC, Sakhakot, Malakand.

The competent authority has been pleased to appoint you as Inquiry Officer to scrutinize the conduct of the aforesaid accused officer/ official vis-à-vis the attached statement of allegations / charge sheet and desired that the Inquiry Officer shall take further necessary action and submit report within 30 days in accordance with the provisions of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.

Mrs. Ayesha Ihsan, Director (PME), Directorate General PW is hereby nominated as Departmental Representative to assist the inquiry officer.

Yours faithfully,

Encls: As above.


SECTION OFFICER (ESTT)

Copy to the: -

1. Director General, PWD Peshawar.
2. PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.
3. Mrs. Ayesha Ihsan, Director (PME), PWD, Peshawar with the request to assist the inquiry officer
4. PA to Advisor the CM for PWD, Khyber Pakhtunkhwa, Peshawar.
5. Mr. Ahmad Ali, DPWO, Malakand along with copy of charge sheet / statement of allegations.
6. Mrs. Silmat Ara, FWW, C/o DPW Office, Malakand with a copy of charge sheet / statement of allegations.

With the direction to appear before the inquiry officer for the purpose of inquiry proceedings as and when required.





GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

D
C
168

No. DS (Security) HD/Inquiry / 2017
Dated: 13th November, 2017

To

The Secretary,
Population Welfare Department,
Khyber Pakhtunkhwa, Peshawar.

SUBJECT: COMPLAINT OF MRS. SILMAT ARA, FAMILY WELFARE WORKER (BS-9) FWC, SAKHAKOT, MALAKAND AGAINST MR. AHMAD ALI, DISTRICT POPULATION WELFARE OFFICER (BS-17) MALAKAND FOR RECEIVING GRAFT MONEY OF RS. 20, 50,000/- FROM HER IN RETURN FOR PROVISION OF EMPLOYMENT & JOBS AT POPULATION WELFARE DEPARTMENT, MALAKAND.

Dear Sir,

Reference your letter No. SOE (PWD) 1/34/2009/PF/KC/846-52 dated 11.09.2017, on the subject cited above and to forward herewith the Inquiry Report containing 07-Pages alongwith copies of enclosures duly signed by the undersigned for further necessary action, please.

→ P. 163/c

(SHAH SAUD)
Deputy Secretary (security)

Copy forwarded to:

- i. Director General (PWD), Peshawar.
- ii. Mrs. Ayesha Ihsan, Director (PME), PWD, Peshawar with the request to assist the Inquiry Officer.

Deputy Secretary (security)

4393
14-11-17

14/11/17
SOE 2
15/11
hu
Rg
15/11
Supda
A.P.



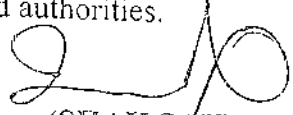
of any money amounting to Rs. 600, 000/- in it. There is no clear evidence regarding presence of money in gift pack. Hence the charge claimed against Ahmad Ali remained unproved.

- 7. Silmat Ara was neither a member of the recruitment committee nor she knows about recruitment procedure but collected money for giving Government jobs. She made direct correspondence with DPWO beside availability of her immediate boss i.e. Deputy District Population Welfare Officer, Malakand which shows her inefficiency.

RECOMMENDATIONS:

From detailed perusal of case record, statements of the accused and witnesses, it is found that Silmat Ara admitted that she has collected graft money of Rs. 20,50,000/- from different persons to provide them Government jobs but she made deals on the direction of Ahmad Ali, DPWO, Malakand and handed over all the money to him. However, she failed to provide any solid evidence or documentary proof against Ahmad Ali, DPWO, Malakand. Ahmad Ali failed to follow proper official procedure while performing his functions. Hence, it is recommended that:

- 1. Major penalty of removal from service may be imposed upon Silmat Ara, FWW, FWC, Sakhakot as she defamed the department by involving herself in corrupt and illegal practice by collecting graft money.
- 2. Minor penalty of withholding of three increments for maximum period of three years and transfer out of Malakand Division may be imposed upon Ahmad Ali, DPWO, Malakand due to his inefficiency and misconduct.
- 3. FIRs may be lodged under the relevant law against those fourteen persons who admitted giving graft money to Silmat Ara in return of providing jobs to them because they have also committed a crime by giving bribe to a Government Officer/Official instead of reporting it to the concerned authorities.


 (SHAH SAUD)
 Deputy Secretary (Security)
 Home & TA's Department,
 Khyber Pakhtunkhwa.



GOVERNMENT OF KHYBER-PAKHTUNKHWA,
POPULATION WELFARE DEPARTMENT

44

40
100
G
Annexure

Dated Peshawar the 20th April, 2018

NOTIFICATION

WHEREAS, Mr. Ahmad Ali (BS-17), the then District Population Welfare Officer, Malakand was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the Statement of Allegations;

AND WHEREAS, Mr. Shah Saud (BS-18), Deputy Secretary (Security, Home & Tribal Affairs Department) was appointed as Inquiry Officer to conduct inquiry against the said officer for charges leveled against him in accordance with rules;

AND WHEREAS, the Inquiry Officer, after having examined the charges, evidence on record and explanation of the accused officer, submitted his report;

AND WHEREAS, on the basis of findings and recommendations of the Inquiry Officer, Show-Cause Notice was served upon the accused officer to which he replied;

NOW, THEREFORE, the Competent Authority, after having considered the charges, evidence on record, findings of inquiry officer, the reply of the accused officer to the Show Cause and hearing him in person on 04-04-2018, and exercising his powers under Rule-14 (5) (ii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to impose major penalty of "Removal from Service" upon Mr. Ahmad Ali (BS-17), the then DPWO, Malakand with immediate effect.

SECRETARY

GOVERNMENT OF KHYBER-PAKHTUNKHWA
POPULATION WELFARE DEPARTMENT

Endst. No. SOE (PWD) 137/2017/Inquiry/2325-35

Dated: 20th April, 2018

Copy forwarded for information & necessary to the:-

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Director General, Population Welfare Department, Peshawar.
4. PS to Govt of KPK, Establishment Department, Peshawar.
5. PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
6. PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.
7. PA to Advisor to the Chief Minister for PWD, Khyber Pakhtunkhwa, Peshawar.
8. District PW-Officer, Malakand
9. District Accounts Officer, Malakand
10. Mr. Ahmad Ali, the then DPWO, Malakand & O DPW Office, Malakand
11. Master file.

Adm/PA
For use of
M 27/11

SECTION OFFICER (ESTD)
Phone No: 091-9223623

Received
28-4-2018

ATTESTED
Imdad
ADVOCATE

Scanned by CamScanner



GOVERNMENT OF KHYBER PAKHTUNKHWA,
POPULATION WELFARE DEPARTMENT
02nd Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar

Handwritten notes and stamps at the top right, including a date stamp '20/4/17' and a signature.

Dated Peshawar the 20th April, 2017

OFFICE ORDER

No. SOE (PWD) 1-34/2009/PF/KC:- The competent authority is pleased to order suspension of Mrs. Silmat Ara, Family Welfare Worker (BS-9), FWC Sakhakot, Malakand under Rule-6 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 with immediate effect initially for a period of ninety (90) days.

Secretary
Govt. of Khyber Pakhtunkhwa
Population Welfare Department

Endst: No. SOE (PWD) 1-34/2009/PF/KC/2649-55

Dated: 20th April, 2017

Copy forwarded for information & necessary to the: -

1. Director General Population Welfare, Khyber Pakhtunkhwa, Peshawar.
2. District Population Welfare Officer, Malakand.
3. District Accounts Officer, Malakand
4. PS to Advisor the CM for PWD, Khyber Pakhtunkhwa, Peshawar.
5. PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.
6. Official concerned.
7. Master file.

Section Officer (Estt)
Phone No. 091-9223623

Handwritten signatures and dates at the bottom, including '24/4/17', '24/4', and 'Rk. 17 24/4/17'.

GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE GENERAL POPULATION WELFARE
Plot No.18, Sector E-8, Phase-7, Hayatabad, Peshawar

Dated Peshawar the 12/1/2018.

OFFICE ORDER

F.No.4(6)2017/Admn:- In light.of the instructions / orders of Admn Department PW vide letter No. SOE (PWD) 1-3/2017/Inquiry/3942-44 dated 02nd January, 2018 & consequent upon the initiation of disciplinary proceedings by the Ant-Corruption Establishment Court, the services of Mrs. Silmat Ara, Family Welfare Worker (BPS-09) FWC Sakhakot District Malakand is hereby placed under suspension, under CSR-194, with immediate effect & till further orders.

(Director General)
Population Welfare Department

Copy forwarded to the:-

1. Section officer (Establishment) w/r to letter quoted above.
2. District Population Welfare Officer, Malakand.
3. District Accounts Officer, Malakand.
4. Official concerned.
5. Personal File.
6. Master File.

(Hidayat Khan)
Deputy Director (Admn)

Handwritten notes: 12/1/18 To H/A

0/06/2018/Admn

Handwritten signature/initials

Handwritten signature: Mr. CAEP

Handwritten signature and date: 1.1.18

SHOW CAUSE NOTICE

I, Muhammad Azam Khan, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve you Mrs. Silmat Ara, the then Family Welfare Worker (BS-9) FWC, Sakhakot, District Population Welfare Office, Malakand as follows:-

1. (a) that consequent upon the completion of inquiry conducted against you by the Inquiry Officer for which you were given opportunity of hearing vide communication No. DS(Security)HD/Inquiry/2017 dated 14-10-2017; and
- (b) After going through the findings and recommendations of the inquiry officer / inquiry committee, the material on record and other connected papers including your defence before the inquiry officer / inquiry committee,-

I am satisfied that you have committed the following acts of commission specified in rule-3 of the said rules:

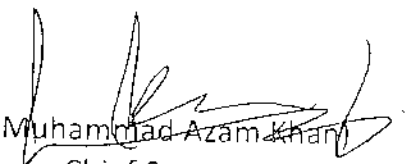
- (i) That you have admitted in your complaint to have collected graft money of Rs. 20,50,000/- from different individuals in return for provision of jobs. The aforesaid admission for collection of graft amount proves your misconduct and involvement in corruption and malpractices.

2. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalty of "Removal from Service" under rule-4 of the Khyber Pakhtunkhwa, Govt. Servants (Efficiency and Discipline) Rules, 2011.

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

4. If no reply to this notice is received within fourteen (14) days of its delivery, in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

5. A copy of the findings of the Inquiry officer / inquiry committee is enclosed.


(Muhammad Azam Khan)
Chief Secretary
Khyber Pakhtunkhwa

Mrs. Silmat Ara,
The then Family Welfare Worker, FWC, Sakhakot,
District Population Welfare Office, Malakand

To

THE HONOURABLE CHIEF SECRETARY,
Khyber Pakhtunkhwa, Peshawar.

Handwritten signature/initials
Pa

Subject: REPLY TO SHOW CAUSE RECEIVED TO ME ON 08-01-2018

Sir,

Reference to the Deputy Director (Admn) letter no. F.No. 4(6)/2017/Admn/125-28 dated 06-01-2018 received to me dated 08-01-2018 through District Population Welfare Officer, Malakand.

In this connection, it is stated that in response to the allegation that "I have collected graft money of Rs. 2050000/- from different individuals in return of provision of jobs. . . .", is incorrectly interpreted as I have already denied all the allegation leveled against me in this regard.

In response to my reply submitted in the charge sheet it has been clarified that, I have been used as a pathway/bridge between the candidates and the District Population Welfare Officer of Malakand namely Mr. Ahmad Ali, as He being my officer in-charge ordered me to collect the amount from the individuals. I was not aware of the purpose, which later on came in my knowledge that, the amount which was already handed over to the District Population Welfare Officer (Mr. Ahmad Ali) for that amount He has promised to the individuals that he will give them jobs.

Moreover, I have already stated that as I am neither the recommendee for appointment nor the competent authority for the appointment in any field or category as being an official (Family Welfare Worker) in BPS-09

It is therefore, most kindly requested that on acceptance of this reply on show cause notice received to me dated 08-01-2018, I may be exonerated from the charge "that I have grab money from the individuals in return of providing them jobs", which incorrect, baseless and without any facts in the matter, with further request to re-instate me back into service as suspended from service vided order dated 20-04-2017.

Dated: 08-01-2018

Obediently Yours,

Handwritten signature
Ms. Sifat Ara, FAW (BPS-09),
FWC Sakhakot, Distt: Malakand



GOVERNMENT OF KHYBER PAKHTUNKHWA,
POPULATION WELFARE DEPARTMENT
02nd Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar

11/11/18
Date 16/5/18
Date 10-4-2018

Dated Peshawar the 08th May, 2018

NOTIFICATION

No. SOE (PWD) 1-3/2017/Inquiry: Whereas, Mrs. Silmat Ara the then FWW (BS-9), FWC Sakhakot, District Population Welfare Officer, Malakand was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the Statement of Allegations;

AND WHEREAS, Mr. Shah Saud (BS-18), Deputy Secretary (Security), Home & Tribal Affairs Department was appointed as Inquiry Officer to conduct inquiry against the said official for charges leveled against her in accordance with rules;

AND WHEREAS, the Inquiry Officer, after having examined the charges, evidence on record and explanation of the accused official, submitted his report;

AND WHEREAS, on the basis of findings and recommendations of the Inquiry Officer, Show Cause Notice was served upon the accused official to which she replied;

NOW, THEREFORE, the Competent Authority after having considered the charges, evidence on record, findings of inquiry officer, the reply of the accused official to the Show Cause and hearing her in person on 04-04-2018, and exercising his powers under Rule-14 (5) (ii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to impose major penalty of "**Removal from Service**" upon Mrs. Silmat Ara the then FWW (BS-9), FWC Sakhakot, Malakand with immediate effect.


SECRETARY
GOVT. OF KHYBER PAKHTUNKHWA
POPULATION WELFARE DEPARTMENT

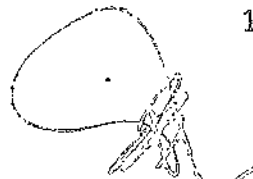
Endst: No. SOE (PWD) 1-3/2017/Inquiry/2769-79


Dated: 08th May, 2018

Copy forwarded for information & necessary to the: -

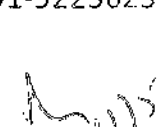
1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Director General Population Welfare Department, Peshawar.
4. PS to Govt. of KPK, Establishment Department, Peshawar.
5. PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
6. PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.
7. PA to Advisor to the Chief Minister for PWD, Khyber Pakhtunkhwa, Peshawar.
8. District PW-Officer, Malakand
9. District Accounts Officer, Malakand
10. Mrs. Silmat Ara, the then FWW, FWC Sakhakot, Malakand C/O DPW Office, Malakand.
11. Master file.

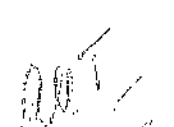

SECTION OFFICER (ESTT)
Phone No. 091-9223623


Date 10/5/18


Date 10/5/18


Date 10/5/18


Date 10/5/18


Date 10/5/18

(9)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL No.1211/2018

SILMAT ARA VS PAPULATION WELFARE DEPTT:

REJOINDER ON BEHALF OF APPELLANT IN RESPONSE
TO THE REPLY SUBMITTED BY THE RESPONDENTS

R/SHEWETH:

All the preliminary objections raised by the respondents are incorrect, baseless and not in accordance with law and rules rather the respondents are stopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

- 1- Admitted correct hence need no comments.
- 2- Admitted correct hence need no comments.
- 3- Admitted correct hence need no comments.
- 4- Incorrect and not replied accordingly. That the appellant was charge sheeted alongwith statement of allegation with the allegation of taking bribe money from different individuals in return of jobs. That the said illegality has not been committed by the appellant and the appellant submitted his detail reply of the aforementioned charge sheet and statement of allegation alongwith documentary proofs and denied all the allegations leveled against her.
- 5- Correct to the extent of suspension order while the remaining Para is incorrect. That the suspension order was issued on 10.01.2018 after the charge sheet and statement allegation though according to the rules the authority was required to be issued the suspension order of the appellant prior to the charge sheet and statement of allegation.
- 6- Incorrect and not replied accordingly. That the respondents without fulfilling the codal formalities straight away issued the impugned order dated 08.05.2018 whereby major penalty of removal from service was imposed on the appellant.
- 7- Needs no comments.

GROUND:

(A to G):

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect, baseless and not in accordance with law and Rules hence denied. That no fact finding inquiry has been conducted in the matter and as such the respondents straight away issued the impugned order dated 08.05.2018, therefore, the same is not tenable and liable to be set aside. That no legal procedure has been followed by the respondent Department mentioned in the efficiency and disciplinary Rules-2011 and directly issued the impugned order dated 08.05.2018. That the appellant has been condemned unheard and punished on no fault on her part rather the appellant has been made escape goat by saving the skin of his blue eyed person.

It is therefore, most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted in favor of the appellant.

APPELLANT

THROUGH: 
NOOR MOHAMMAD KHATTAK
ADVOCATE