


FORM OF ORDER SHEET

Court of _____

Appeal No. 1799/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/09/2023	<p>The appeal of Mr. Muhammad Altaf Bangash presented today by Mr. Farhan Ullah Shahbanzai Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>11-09-2023</u>.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR.

Appeal No. 1799 /2023.

Muhammad Altaf Bangash....VS.... Secretary E & SE, KPK, & others.


I N D E X

Sr. No.	Description of Documents	Annexure	Page No.
1)	Memo of Appeal Along with Affidavit and Addresses of the Parties		1-10
2)	Copy of appointment order	A	11
3)	Copy of Power of attorney	B	12
4)	Copy of Complaint	C	13-14
5)	Copy of notification dated: 11-11-2020	D	15
6)	Cop of the recommendation of the inquiry officer, dated 22.12.2020	E	16-17
7)	Copy of notification dated 29.11.2021 for nomination of <i>Second Inquiry Officer</i>	F	18
8)	copy of the second inquiry recommendations dated 21.12.2021	G	19-21
9)	copy of the transfer & posting order dated 27.01.2022	H	22
10)	Copy of departmental representation and order dated 11.02.2022	I & J	23-24
11)	Copy of show cause notice dated 24.02.2022, and written reply dated 16.03.2022	K & L	25-28
12)	Copy of imposing penalty on appellant by respondent No.2, dated 24.03.2022	M	29
13)	Copy of representation dated 02.04.2022 and letter No.P.O/Complaints/497/04/2022, dated 19.05.2022 of Ombudsmen Peshawar, to respondent No.1.	N & O	30-32
14)	Copy of application for review, letter dated 13.09.2022, undertaking dated 27.09.2022, and letter dated 24.10.2022	P,Q,R,&S	33-36
15)	Copy of application dated 24.01.2023 and letter of respondent No.2, dated 25.01.2023	T & U	37-38
16)	Copy of impugned order dated 10.08.2023 of respondent No.1	V	39
17)	Copies of other documents	W	40-48
18)	Waqalat Nama		49

APPELLANT.

Dated; 07/09/2023.

Through:-


(Farhan Ullah Shahbanzai)
Advocate High Court,
PESHAWAR

Cell No.0321-9171522

Office- F.F 30, 5th Floor, Bilour Plaza Peshawar Cantt,

Email: farhanullah190@gmail.com

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR.

Appeal No. 1799 / 2023

Muhammad Altaf Bangash SST Government High School (GHS), Sakhi Ahmad Shah, District Kurram.

.....Appellant.

V E R S U S

- 1) Secretary Elementary & Secondary Education, Civil Secretariat, Khyber Pakhtunkhwa.
- 2) Director Elementary & Secondary Education, Newly Merged Districts (NMD), Peshawar.
- 3) District Education Officer (DEO), Parachinar, District Kurram.
- 4) Assistant Director, Establishment Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 5) Principal, Government Girls Degree College Sadda, District Kurram.

.....Respondents.

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974, AGAINST THE ORDER NO. SO (PF-M)5-1/2023/Mr. Altaf Bangash/Lower Kurram, DATED: 10/08/2023, COMMUNICATED TO THE APPELLANT ON 21.08.2023, WHEREBY DEPARTMENTAL APPEAL / REPRESENTATION OF THE APPELLANT AGAINST THE ORDER DATED: 24.03.2022, WHEREBY PENALTY OF **“REDUCTION TO LOWER STAGE IN A TIME SCALE FOR FIVE YEARS CONSECUTIVELY”** WAS IMPOSED UPON THE APPELLANT WAS MAINTAINED.

PRAYER

2

On acceptance of the instant appeal the orders dated: 24.03.2022, of respondent No.2 whereby departmental appeal of the appellant was dismissed by respondent No.1 vide order dated 10.08.2023, may kindly be declared null & void, illegal, without substance and without lawful authority and as such the same may graciously be set-aside and appellant be exonerated from all the charges and penalties leveled against the appellant, and any other orders deem proper may also be passed in favour of the appellant in the matter.

Respectfully Sheweth:-

1) That the appellant was initially appointed as CT Teacher on 24.02.2021, and currently performing his duty as SST BPS-17 (Personal) in Government High School (GHS), Sakhi Ahmad Shah, District Kurram and during his entire service he has got no adverse remarks or any other charge and as such having an excellent record and spot less service.

(copy of the appointment order of the appellant is annexed as "A")

2) That after the appointment during his entire service, the appellant has performed his duties and services very honestly, efficiently and punctually.

3) That one Mst. Munawara Begum was working as Lab Attendant in the respondent No.5 college, but she was terminated from service without any justified reason, as such her son being student of the appellant has approached the appellant for advise, as a poor lady the appellant suggested to approach the Service Tribunal KPK, Peshawar, for reinstatement, so accordingly she filed Service Appeal No.1114 of 2013, which was allowed on 02.11.2017, and the said Mst. Munawara Begum was reinstated into service, as the said lady was unable to attend the said proceedings, as such she appointed the appellant as her attorney in the service appeal mentioned above, while Execution Petition No.190 of 2019, is still pending before this Hon'ble Tribunal.

(copy of the power of attorney of the appellant is annexed as "B")

4) That due to helping out the said lady, respondent No.5 got infuriated and she started personal grudges with the appellant and using her influence respondent No.5 filed a complaint, dated 31.10.2020, to respondent No.2 against the appellant for taking action against the appellant.

(copy of complaint is annexed as "C")

5) That upon the complaint of respondent No.5, respondent No.2 nominated Mr. Munawar Gul, Principal Government High School, Tarnab Form, Peshawar, as *Inquiry Officer* vide notification dated 11.11.2020..

(copy of notification is annexed as "D")

6) That said inquiry officer conducted inquiry and accordingly submitted his report on 22.12.2020, with the following recommendations:

"As Altaf Bangash SST has got attorney to fight the case of Mst. Munawara, Lab Attendant, of the said college, hence legally he cannot be blamed. It is therefore, recommended that the instant complaint lodged by the principal against Altaf Bangash SST, GHS, Sakhi Shah (Saddah), District Kurram, may be filed."

(copy of the recommendation of the inquiry officer, dated 22.12.2020, is annexed as "E")

7) That neither any order for denovo inquiry was passed by the competent authority, nor any orders was passed in light of the recommendations advance by the inquiry officer, rather all of a sudden after 11-months (i.e. 337-days), respondent No.2 nominated Mr. Waris Ali, Principal Government High School, Zeran, Upper Kurram, as *Second Inquiry Officer* vide notification dated 29.11.2021, it is pertinent to mention that no second complaint was filed against the appellant.

(copy of notification dated 29.11.2021 for nomination of *Second Inquiry Officer* is annexed as "F")

8) That the second inquiry officer again conducted inquiry into the matter and vide inquiry report dated 21.12.2021, he submitted the following recommendations:-

**"i. Mr. Altaf Bangash SST may bring to the book by transferring his service to another far flung district of KP.
ii. A stern necessary disciplinary action may be initiated against him under the rules."**

(copy of the second inquiry recommendations dated 21.12.2021 is annexed as "G")

9) That in pursuance of the inquiry officer recommendation, the appellant was placed at the disposal of Directorate of Elementary & Secondary Education, KPK, Peshawar, for further transfer & posting vide order dated 27.01.2022.

(copy of the transfer & posting order dated 27.01.2022 is annexed as "H")

10) That as per E&D Rules KPK, 2011, under Rule-4 transfer & posting neither fall within minor penalties, nor major penalties, as such the appellant filed *Departmental Representation* against the illegal transfer &

posting order dated 27.01.2022 before the competent authority, which was allowed by respondent No.4, vide order dated 11.02.2022, and the order dated 27.01.2022 was withdrawn.

(copy of departmental representation and order dated 11.02.2022 are annexed as "I" and "J")

11) That victimization treatment with the appellant did not stop there, rather on 24.02.2022 show cause notice against the appellant was issued by respondent No.2 & 4, it is pertinent to mention that no opportunity of personal hearing was provided to the appellant to substantiate the allegations leveled against the appellant in the said show cause, rather the appellant was only allowed to submit written reply to the said show cause notice, which he submitted on 16.03.2022.

(copy of show cause notice dated 24.02.2022, and written reply dated 16.03.2022 are annexed as "K" and "L")

12) That in sheer violation to the E&D Rules KPK, 2011, neither any evidence was recorded in the matter nor the appellant was allowed to cross-examine the complainant party and to rebut the allegations leveled against him, rather in a preplanned manner respondent No.2 vide order dated 24.03.2022 imposed major penalty of "reduction to a lower stage in a time scale for five years consecutively" upon the appellant.

(copy of imposing penalty on appellant by respondent No.2, dated 24.03.2022 is annexed as "M")

13) That being aggrieved from the order dated 24.03.2022, the appellant moved an appeal / representation to the worthy Provincial Ombudsmen, Secretariat Peshawar, on 02.04.2022, which was forwarded to the respondent No.1, vide letter No.P.O/Complaints/497/04/2022, dated 19.05.2022, for appropriate action.

(copy of representation dated 02.04.2022 and letter No.P.O/Complaints/497/04/2022, dated 19.05.2022 of Ombudsmen Peshawar, to respondent No.1, are annexed as "N" and "O")

14) That as the representation of the appellant was not responded, so the appellant file an application for review on 20.05.2022 to respondent No.1, accordingly respondent No.4 issued letter dated 13.09.2022, and the appellant was asked to submit an undertaking on judicial stamp paper, which was accordingly submitted by the appellant on 27.09.2022, and the same was forwarded by respondent No.4 to respondent No.1, vide letter dated 24.10.2022.

(S)

(copy of application for review, letter dated 13.09.2022, undertaking dated 27.09.2022, and letter dated 24.10.2022, are annexed as "P", "Q", "R", and "S")

15) That thereafter no progress was done in the matter, as such appellant filed an application dated 24.01.2023, which was further communicated to respondent No.2, vide letter dated 25.01.2023, so that the grievances of the appellant could be redressed.

(copy of application dated 24.01.2023 and letter of respondent No.2, dated 25.01.2023 are annexed as "T" and "U", respectively)

16) That the averments raised by the appellant were not considered and vide impugned order dated 10.08.2023, the departmental representation / appeal of the appellant was dismissed by the respondent No.1, and order of penalty imposed on the appellant vide order dated 24.03.2022 was maintained.

(copy of impugned order dated 10.08.2023 of respondent No.1 is annexed as "V")

17) That the appellant now approaches this Hon,able Court / Tribunal for setting-aside impugned orders through the instant Service Appeal on the following grounds amongst others.

G R O U N D S .

- A. That the order of the respondent No.2, by imposing the penalty of "reduction to lower stage in a time scale for five years consecutively", which was maintained by respondent No.1 vide order dated 10.08.2023, is against the law, facts and violation of the procedure as provided under the law and E&D Rules KPK, 2011, hence the same is liable to be struck down.
- B. That there is no evidence against the appellant which can even remotely suggest that the appellant is either involved in any corrupt, moral or illegal practices nor he has committed gross negligence, misconduct or inefficiency in performance of his duties, thus the penalty imposed upon the appellant is not sustainable in the eyes of law and no legs to stand upon.

- C. That as per E&D Rules KPK, 2011, once an inquiry recommendations are submitted by the inquiry officer, the competent authority is bound to either agree with the said recommendations or refuse the said recommendations and order for a denovo inquiry is required to be issued, but in a case in hand when inquiry recommendations was submitted on 22.12.2022 by the first inquiry officer, the respondent No.2 has not complied the legal way, rather on his own respondent No.2 after 11-months appointed second inquiry officer without assigning any reason for constitution of second inquiry, which shows that respondent No.2 & 5 have used their influence for ulterior motives as appellant has only helped a poor lady, which under E&D Rules KPK, 2011, did not fall within the mischief of misconduct, hence appointment of second inquiry and its recommendations are without lawful authority and liable to be declared null & void.
- D. That the second inquiry officer has not recorded the statement of the appellant nor opportunity of cross-examination was provided to the appellant, which is against the procedure provided for conducting inquiry, hence the second inquiry is not sustainable under the law.
- E. That even the recommendations of second inquiry officer for transfer was also sheer violation of Rule-4 of E&D Rules KPK, 2011, further initiating departmental proceeding was amount to violation of Article-13 of the Constitution of Islamic Republic of Pakistan, 1973, whereby ***"no person shall be prosecuted or punished for the same offence more than once"***, hence the departmental disciplinary proceedings are illegal.
- F. That after show cause notice dated 24.02.2022, the appellant was not provided an opportunity of personal hearing nor any evidence was recorded, even no opportunity of cross-examination was provided to the appellant, further appellant was only directed to submit written reply, which is against the E&D Rules KPK, 2011, and no proper / regular inquiry was conducted in the matter, hence the same no sanctity under the law.

7

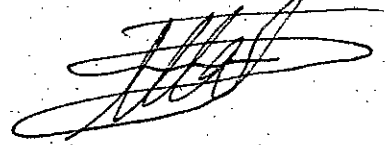
- G. That although appellant has no personal grudges with respondent No.5, rather respondent No.5 was misusing her authority and she was not attending the college, and a lecturer of the college namely Miss. Abida Dilnasheen was performing her duties in the college, even vide order dated 03.07.2013 recovery was order to be made from Mst. Abida Dilnasheen for having dual service, , furthermore the absence of respondent No.5 is clarified from report of both the inquiry officers that when the inquiry officers visited the college concerned, on both the occasions respondent No.5 was not present in the college, as such just to hide their dishonesty towards performing their duties, the appellant has been picked for revenge so that no one could raise finger at them, hence imposition of major penalty on the appellant is totally unjustified, illegal and amounts to victimization.
- H. That the inquiry committee has not been constituted in accordance with law, rules and procedure, thus the findings of the inquiry committee is having no sanctity in the eye of law.
- I. That the appellant has served the department honestly and whole heartedly for many years, and has earned the post / grade after performing his duties candidly and unequivocally, thus the post / scale of the appellant cannot be reduced with a stroke of pen as done by the respondents No.1 & 2.
- J. That the contents of the inquiry report is self contradictory and as such having no worth to impose the penalty for reduction to a lower stage in time scale for five long years.
- K. That the conduct of the respondents No.1 & 2 clearly suggests that the appellant has highly been discriminated, which is not permissible under the Constitution of Islamic Republic of Pakistan, 1973.
- L. That the contents of the reply to show cause notice and departmental appeal / representation may be considered as integral part of the instant appeal.

(copies of other documents are annexed as "W")

(8)

M. That on the permission of this Hon,able Court the appellant may urge other additional grounds, if any, at the time of arguments.

It is therefore most humbly prayed that on acceptance of the appeal the orders dated: 24.03.2022, of respondent No.2 whereby departmental appeal of the appellant was dismissed by respondent No.1 vide order dated 10.08.2023, may kindly be declared null & void, illegal, without substance and without lawful authority and as such the same may graciously be set-aside and appellant be exonerated from all the charges and penalties leveled against the appellant, and any other orders deem proper may also be passed in favour of the appellant in the matter.



APPELLANT

Dated; 07 /09/2023

Through:-



(Rafi Ullah)
Advocate High Court,
PESHAWAR



(Farhan Ullah Shahbanzai)
Advocate High Court,
PESHAWAR

9

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR.

Appeal No. _____ / 2023.

Muhammad Altaf Bangash

.....Appellant.

VERSUS

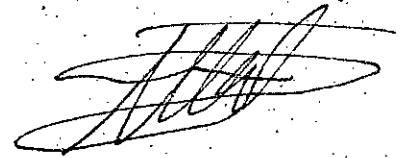
Secretary Elementary & Secondary Education, KPK, & others.

.....Respondents.

AFFIDAVIT

I, **Muhammad Altaf Bangash SST Government High School (GHS), Sakhi Ahmad Shah, District Kurram, (appellant)** do hereby solemnly affirm and states on oath that the contents of accompanying appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon' able Court.

Dated : 07-09-2023



(Deponent)

CNIC: 21302-3556674-7

Mobile No. 0301-3237876

10

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR.

Appeal No. _____ / 2023.

Muhammad Altaf Bangash

.....Appellant.

VERSUS

Secretary Elementary & Secondary Education, KPK, & others.

.....Respondents.

ADDRESSES OF THE PARTIES

**Muhammad Altaf Bangash SST Government High School (GHS), Sakhi
Ahmad Shah, District Kurram.**

.....Appellant.

VERSUS

- 1) Secretary Elementary & Secondary Education, Civil Secretariat,
Khyber Pakhtunkhwa.
- 2) Director Elementary & Secondary Education, Newly Merged Districts
(NMD), Peshawar.
- 3) District Education Officer (DEO), Parachinar, District Kurram.
- 4) Assistant Director, Establishment Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.
- 5) Principal, Government Girls Degree College Sadda, District Kurram.

.....Respondents.

APPELLANT.

Dated; 27 /09/2023.

Through:-


(Farhan Ullah Shahbanzai)
Advocate High Court,
PESHAWAR

11

Annex "A"

OFFICE OF THE AGENCY EDUCATION OFFICER KURRAM AGENCY PARACHINAR

APPOINTMENT

Consequent upon the approval of the Selection Committee, the following C.T Trained candidates are temporarily appointed in BPS-9 and BPS-14 for those who are passed BA/B.Sc examination in 2nd Division or on their own pay and scale (in case of service personnel which ever is beneficial to them) plus usual allowance as admissible under the rules with effect from the date of their taking over charge i.e w.e.f 1.3.2001 in the schools mentioned against their names:-

S.No	Name of Candidate	Father's Name	School Where Appointed	Remarks
1.	Ikhtiar Hussain	Ali Mirza	GMS Mali Khel	Against vacant C.T post.
2.	Mohammad Ilyas	Gul Akbar	GMS Takhtoo	Against vacant C.T post.
3.	Mohammad Hayat Khan	Habibullah Khan	GMS Alishori	Against vacant C.T post.
4.	S.Hassan Ali Shah	S.Mohammad Ali Shah	GMS Alishari	Against vacant C.T post.
5.	Rajab Hussain	Tahir Hussain	GMS Mali Khel	Against vacant C.T post.
6.	Mohammad Karim	Tareen	GMS Osai	Against vacant C.T post.
✓7.	Mohammad Altaf ✓	Sultan Mohammad	GMS Sadde	Against vacant C.T post.
8.	Ashiq Hussain	Nisar Ali	GMS Takhtoo	Against vacant C.T post.

Note:- The candidates are directed to produce their Medical certificates from the Medical Supdt A.H.Q Hospital Parachinar.

- The age of the candidates should be between 18-33 years.
- Their appointment is purely made on temporary basis and liable to termination at any time without assigning any notice, in case they want to resign their posts, they will have to give one month prior notice or forfeit one month pay in lieu thereof.
- Charge reports in duplicate should be submitted to this office.
- No payment to appointees will be made until and unless their appointment are got verified from the concerned institutions.
- If they failed to take over charge within fifteen days, their appointment will automatically be considered as cancelled.

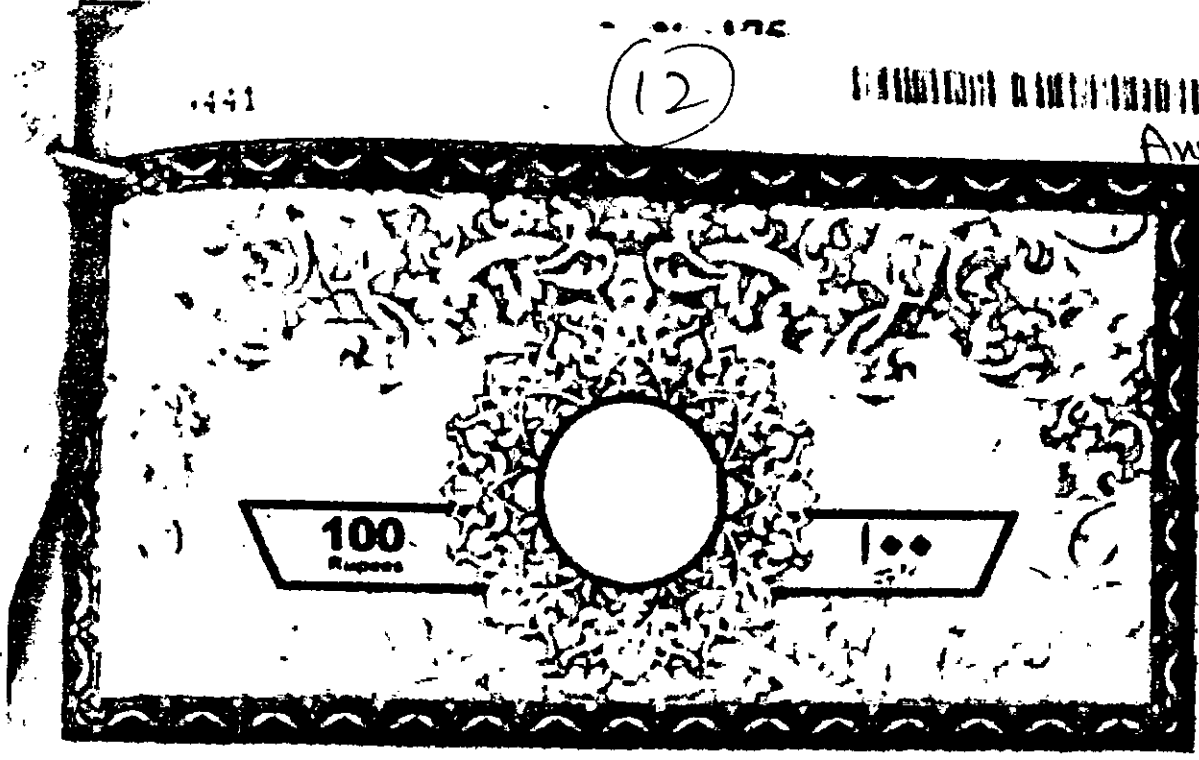
Self
Agency Education Officer
Kurram Agency Parachinar

No 933-42 / Edu Dated 24/2/2001
Copy of the above is forwarded to the:-

- Director of Education PATA N...P.P Peshawar.
- Agency Accounts Officer Kurram.
- Accountant Local Office.
- Candidates concerned.
- Office record.

Agency Education Officer
Kurram Agency Parachinar

[Signature]
ATTESTED



مقامات

مندرجہ ذیل نامیہ سید محمد عباس خان Lab Attendent کو فہرست گزراؤ کرنی ہے اور صدر اور زیر قوم شناختی کارڈ نمبر 6-21301-3348233-6
 ہائوس وٹرانس فیس ملاجہ اور گرانڈ فیس کے معرکوں پر بین الاقوامی کسٹومرز ڈیپارٹمنٹ اور دیگر ایجنسیوں سے فیس وصول کرنے سے متعلق اپنے جانب
 سے اطمینان بخش دہ سلطان محمد ساکن فی امیر شاہ لوہڑ کریم محل قومی شناختی کارڈ نمبر 7-21302-3556674 کو عملی اختیار دینی ہے کہ یہ فی طرف سے
 حالت میں پیش ہو کر حد سے مشورہ ضروری اور جی وی کر کے جواب دینی کرے اور دیگر متعلقہ درخواستوں پر دستخط کر کے اعلیٰ تصدیق کرے۔ یہ عملی ہے۔
 کذا کتابت کرے۔ یا حالت میں برقی طرف سے جان دے وقت سے مکمل متعلقہ آواز اور شہادت پیش کرے۔ بحالی کرے یا دیگر متعلقہ قسم کے فیچر
 مقام دینا، حالت دلیہ اور پورے کورٹ میں دائر کرے۔
 ادریش اختیار سہ سرف بظاہر دینی میں متعلقہ مشورہ کے لئے مجھے قابل اور حضور ہے۔ اختیار دہاں ہے تاکہ سند ہے۔

<p>اختیار گریڈ محمد الطاف بخش ولد سلطان محمد قوم گلشن سنسٹیٹی امیر شاہ لوہڑ کریم CNIC-21302-3556674-7 رابطہ نمبر 0301-3237876</p>	<p>اختیار دہندہ منورہ بیگم سید محمد عباس خان قوم بلوچستان فی پتہ میرمت خیل۔ حال صدر لوہڑ کریم CNIC-21301-3348233-6 رابطہ نمبر 0307-5111447 0304-9654686</p>
---	--

07/03/2019
 گولہ 2، دل ماہ شاہ
 ولد سید محمد طارق، قوم گلشن
 محل سید آباد وٹرانس
 21302-5817236-5

محمد الطاف بخش
 (Signature)

CNIC No = 21301-66081255
 گولہ 1، پتہ سید محمد عباس خان
 قوم بلوچستان فی پتہ میرمت خیل۔ حال صدر لوہڑ کریم
 سید محمد عباس خان
 (Signature)

19/03/2019

SECRETARY GENERAL

ATTESTED

13

No 275-93 Dated 31/10/2020

Annex "C"

To
The Director Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Subject: TAKE ACTION AGAINST Mr ALTAf SST ON THE BASES OF UNJUST, UNLAWFULL DEMANDS/ INVOLVED IN UNHEALTHY / UNNECESSARY ACTIVITIES

Memo

Kindly refer to the above cited subject with the remarks that Munawara Lab Attendant was working as Lab Attendant at GGDC Sadda on temporary basis from the college private fund. She was replaced by Balqees Bibi duly nominated by Political Agent Kurram being local resident of Sadda Kurram. The affected Lab Attendant has registered case in 2014 and challenge the appointment of Balqees Bibi. The court decided in favour of Munawara and she was retained on her duties of Lab Attendant as per court decision. The institution has provided all the relevant documents regarding the case of Lab Attendant Munawara, but a local school teacher named Altaf of village Sakhi Ahmad Shah (Contact No 03013237876 CNIC 21302-3556674-7) who has relations with the Lab Attendant concerned demanding to get signed bogus documents of the said Lab Attendant Munawara from the undersigned. The said teacher made regular visits of the college and created administrative problems for the college administration. When the said teacher was banned not to pay visits of the college, he started complaints on various forums to denigrate the reputation of the college.

The Lab Attendant has already been notices to show cause of her relations with the concerned notorious teacher. The said notorious and characterless teacher was also banished by Political Agent due to his antistate activities vide letter No 6106-15-b/PAK/St-7 Dated 17/06/2016. (Copy enclosed)

It is therefore requested to take strict action against the teacher Altaf for the smooth functioning of the institution and to redress the grievances of college administration please. In case of any damnification, to any staff member including the undersigned the said SST will be held responsible.

It is further requested to constitute fact finding committee to inquire into the matter.

PRINCIPAL

GGDC SADDA KURRAM

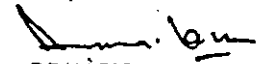
Copy forwarded to the:

1. Minister of Education Khyber Pakhtoonkhwa Civil Secretariat Peshawar.
2. Inspector General Police KPK Home Department Civil Secretariat Peshawar.
3. Secretary Elementary & Secondary Education Civil Secretariat KPK Peshawar.


ATTESTED

14

4. Secretary Higher Education Civil Secretariat KPK Peshawar.
5. Provincial Ombudsman Chairman (Application against Altaf on the basis of mental harassment) near NADRA office Hayat Abad phase 5 Peshawar.
6. Federal Investigation Agency (FIA) Hayat Abad Peshawar.
7. Peshawar High Court Director Human Rights Cell Peshawar.
8. Director Elementary & Secondary Education Newly Merged Districts (NMD) Peshawar.
9. District Police Officer Kurram with the request to direct the concerned to register FIR against Mr Altaf.
10. Deputy Commissioner Kurram, Parachinar
11. Director Higher Education for Information.
12. Assistant Commissioner Lower Kurram.
13. DSP, SHO local police station Sadda.
14. District Education Officer Parachinar.
15. Human Rights Commission KPK Peshawar Cannt.
16. RTI near Abdara BRT Station, behind Jabar flats Arbab Colony, University Road Peshawar
17. Principal Sakhi Ahmad Shah Lower Kurram.


PRINCIPAL

GGDC SADDA KURRAM


ATTESTED

(15)

Registered

Annex "D"

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA PESHAWAR.**

NOTIFICATION

Mr. Munwar Gul Principal Government High School Tarnab Form District Peshawar is hereby nominated as Enquiry Officer to conduct a fact finding enquiry in the light of the Principal Govt. Girls Degree College Sadda District Kurram letter Bearing No. 275-93 dated 31-10-2020 (Copy enclosed).

The enquiry officer is requested to submit his report with clear recommendations within fifteen days positively for further necessary action.

**DIRECTOR
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.**

Endst: No. 5482/IA-12/Vol-02/Complaint.

Dated Peshawar the 11/11 2020

Copy of the above is forwarded to the:-

1. District Education Officer Kurram at Jamrud with the request to extend full cooperation and provide complete record to the enquiry officer during the proceedings.
2. Principal Govt. Girls Degree College Sadda District Kurram w/r to your letter No. cited with the request to provide complete record and extend full cooperation to the Enquiry Officer during the proceedings.
3. Enquiry/Principal Government High School Tarnab Form District Peshawar.
4. PA to Director Elementary and Secondary Education Peshawar.

Deputy Director (Estab)
Merged Districts.

[Signature]
11/11/2020
2:55 pm

[Signature]
ATTESTED

(16)

Annex 'E'

OFFICE OF THE PRINCIPAL GOVT. SHAHEED ARHAM KHAN HIGHER SECONDARY SCHOOL
TARNAB FARM PESHAWAR

No. 251

Dated: 22/12/2020

To

The Director,
E & SE Department Khyber Pakhtunkhwa,
Peshawar.

Subject:

Enquiry Report against Altaf Bangash SST, GHS Sakhi Shah (District Khurram)

Memo:

Reference to your office letter no. 5418-21/A-12/Vol-02/Complaint Dated 11/11/2020, enclosed please find here with a detailed enquiry report regarding the subject cited above for necessary action please.

[Handwritten Signature]
Principal 22/12/2020

Govt. Shaheed Arham Khan
H.S.S Tarnab Farm Peshawar

3636
22/12/2020

put-up
DA / *[Signature]*
22/12/2020

[Handwritten Signature]
ATTESTED

ENQUIRY REPORT

17

BRIEF HISTORY OF THE CASE:

Principal, GGDC Sadda (Kurram District) has lodged complaint against Altaf SST GHS Sakhi Shah on his unlawful indulgence in the college affairs and get contacted with the college administration regarding service regularization of Munawara, Lab Attendant of the said college.

The worthy Director E&SED appointed the undersigned as Enquiry Officer to probe into the matter vide Endst: No. 5417-21/A-12/Vol-2/Complaints dated Peshawar the 11-11-2020. Annex A Page 1-5

Procedure:

The undersigned visited the GGDC Sadda and met the College Administration through M, Shoab, J/Clerk of the college. Abida Dilnasheen, Lecturer in History, handed over the undersigned the requisite documents regarding Enquiry. Annex B Page 6-64

Saira Khatton, the college Principal was contacted through cell, as she was not available. Questionnaire regarding the Enquiry was conveyed to her. Annex C Page 65

Saira Khatton dispatched her written replies through Post. Annex D Page 66-67

Altaf Bangash SST, GHS Sakhi Shah (Kurram) was contacted in the office of the SDEO(M) Sadda. He was handed over the questionnaire as to why he has indulged in the affairs of the college administration against the rules, regulations and social bonds of the locality. Annex F Page 68

He provided documentary proofs and written statement in his defense. Annex G Page Page 69-84

Munawara, Lab Attendant of the said college was interrogated regarding the involvement of Altaf Bangash SST in her service regularization. She provided written statement. Annex I Page 85

Observations:

Combing all facts and figures it has been observed that one Munawara D/O Nafees ud din was appointed against class IV post on temporary basis vide the Principal GGDC Sadda Endst: No. 40-45/App#/C-IV/ GDCW Sda dated 1-09-2003. Annex G Page 76

Munawara, Lab Attendant was again appointed on regular basis on 4-2-2009 vide the Principal GGDC Sadda Endst: No. 502-8/GGDC (Sadda) dated 4-02-2009. Annex G Page 77

Service documents i.e. Service Book and Salary Slip of the said Lab Attendant were not channelized properly. Hence she knocked the doors of the Service Tribunal through Altaf Bangash giving him Attorney to fight the case. Annex G Page 75

After getting Attorney the accused, Altaf Bangash, SST contacted the college Administration to get the required documents. At this rift was developed between Altaf Bangash and the Principal of the college.

Recommendations:

As Altaf Bangash SST has got Attorney to fight the case of Munawara, Lab Attendant of the said college, hence legally he cannot be blamed. It is therefore, recommended that the instant complaint lodged by the Principal against Altaf Bangash SST GHS Sakhi Shah (Sadda) District Kurram may be filed.

(MUNAWAR GUL)
Enquiry Officer
Principal

Govt. Shaheed Arham Khan
H.S.S Tarnab Farm Peshawar

22/12/2020

ATTESTED

18

Annex F

NOTIFICATION

Mr. Waris Ali Principal, GHS Zeran Upper Kurram is hereby nominated as Inquiry Officer to conduct an enquiry in the light complaint lodged by Principal Govt. Girls Degree College Sadda District Kurram against Altaf Bangash SST GHS Sakhi Shah District Kurram (Copy attached).

The Inquiry Officer is requested to submit his report within fifteen days positively for onward submission to the quarter concerned.

DIRECTOR
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst: No. 15890-91

Dated Peshawar the 29/11/2021

Copy of the above is forwarded to the:-

1. Inquiry Officer/ Principal GHS Zeran Upper Kurram.
2. District Education Officer (M) Kurram with the remarks to provide complete record and extend full cooperation to the Inquiry Officer during the proceedings.
3. Principal Govt. Girls Degree College Sadda District Kurram.
4. PA to Director Elementary and Secondary Education Peshawar.
5. PA to Additional Director (Merged Districts) Khyber Pakhtunkhwa Peshawar.

[Signature]
29/11/2021
Deputy Director (Estab)
Merged Districts.

for *[Signature]*
29/11/2021

[Signature]
ATTESTED

19

Annex "G."

-1-

To

The Director,

Elementary & Secondary Education (NMDs) KP, Peshawar.

Subject: Inquiry against Mr. Altaf Bangash (SST) G.H.S Sakhi Ahmad Shah District Kurram.

V/Sir,

Ref your office Endst: No. 15890-94 Dated 29-11-2021 on the subject captioned above and to state that I, the undersigned visited G.G.D.C Sadda and GHS Sakhi Ahmad Shah District Lower Kurram on 15-12-2021.

Brief History of the Case.

I was informed through Miss Abida Dilnasheen Lecturer in History that Mst Saira Khatoon Principal GGD Sadda was sick and busy with her treatment. However I discussed the subject case with her Telephonically and she send her statement through Whatsapp. Annexure-A (Pages 1 - 9).

The Ex-Incharge Principal Miss Abid Dilnasheen provided all the relevant record of the case and answer all the Questions with clarity and supportive documents. She also submitted her statement. Annexure-B(pages 10-27).

Mst Munawara Begum Lab Attended concerned was also inquired in between the lines and she submit over her statement Annexure-c(pages 28-30).

This case was also discussed with other staff members and Muhammad Shoaib Senior Clerk and he also submitted his statement Annexure-D(pages 31-40).

At the last the undersigned discussed the said case and analysed the charges alleged by Principal/Ex-Incharge Principal GGDC concerned sadda against Mr. Altaf Bangash SST in the office of Principal GHS sadda Kurram and he submitted his Hand written Statement. Annexure -E (pages 41-66).

CONTINUED ON PAGE 2

ATTESTED

20

161

Findings of the case.

- ① Mr Altaf Bangash SST has been Poking his nose in the affairs of GGDC Sadda District Kurram since 2019. tried his level best to put pressure on GGDC Sadda administration to get his work either by hook or crook. It is worth mentioning that Mst Munawara Begum lab Attendant concerned has no blood relation to him.
- ② except power of attorney for her service case. He used Munawara Begum lab Attendant as tool through which he made through interference in the affairs of girls collage for bringing bad name to the collage and to getting personal gains. Another serious thing is that he got personal with Principal and Ex-In charge Principal concerned and he has been started an unlimited series of baseless, illegal and irrelevant charges against them through various forms like R.T.I, Citizen portal, service Tribunal and Directorate of higher education etc. In many complaints he has used the words like Characterless and Corrupt Officer for Abid Dilnasheen. His all complaints reveals that he is an opportunist and wants to get materials gains by keeping the both Principals concerned under pressure. To through mud of corruption over both respected principal and ex-In charge principal without any reasons is the example of mental Harasment. Another point noted from the record and discussion is that he is at logger head not only with the principals and collage Administration of GGDC Sadda but also with other departments and authorities as he is addicted to complaints. How much it was good that he has given full time to his school and students rather than engaging himself /interfering in the other's lives/affairs and administration. It is crystal clear that the collage administration has been responded to all his complaints with satisfactory arguments and documents to the various authorities. It is day clear that the GGDC Sadda collage administration has been re-instated Mst Munawara Begum Lab Attendant concerned with effect from 19-03-2018 and maintained her service book properly.

CONTINUED ON PAGE 3


ATTESTED

21

16

Conclusions:

After complete and thorough analysis of the record provided by both the sides it is concluded that Mr Altaf bangash SST has been personalized this case more than 98 percent with Saira Khatoon principal and Miss Abida Dilnasheen Ex-In charge Principal GGDC Sadda District Kurram. Further, He has been made acute interference in the personal lives of both officers which badly affected their reputations. Moreover the said Teacher created many many severe administrative problems for collage administration and other relative authorities as well.

Recommendations:

In order to dispose off this case once forever peacefully to the families concerned it is recommended that

- 1 Mr Altaf Bangash SST may bring to the book by Transferring his services to another far-plung District of KP.
- 2 A stern necessary disciplinary action may be initiated against him under the rufes.

WAFIS ALI
INQUIREY OFFICER
PRINCIPAL (BPS-19)
8/5/21/12
2021
Principal
Govt High School
Zeran Kurram
District Kurram

GHS ZERAN DISTRICT KURRAM

ATTESTED



22

**DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATION KHYBER
PAKHTUNKHWA**

Annex "H"

NOTIFICATION

In pursuance of the recommendations of the Inquiry Report and Approval of the Competent Authority, the services of Mr. Altaf Bangash SST GHS Sakhi Ahmad Shah District Kurram are hereby placed at the disposal of this Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar for further posting/adjustment against the vacant post of SST in his own pay & BPS in the interest of public service with immediate effect.

NOTE:-

1. Charge report should be submitted to all concerned.
2. TA/DA etc. are not allowed.

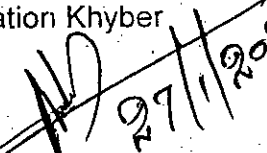
DIRECTOR

Elementary and Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 1179-84 IA-12/Altaf Bangash SST Dated Pesh: the 27/01/2022

Copy forwarded to the:-

- 1 District Education Officer Kurram.
- 2 District Education Officer North Waziristan.
- 3 District Accounts Officers concerned.
- 4 Principal/Head Master concerned.
- 5 Official concerned.
- 6 PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.


27/1/2022
**ASSISTANT DIRECTOR (ESTAB)
MERGED DISTRICTS.**


ATTESTED

محترم جناب ڈائریکٹر صاحب E & SE صوبہ KP پشاور

23

Annex "I"

Notification No: 1179-84

Pt Peshawar 27-01-2022

حکمانہ ریپل برائے منسوفی

جناب عالی! گذرارش قابل غور ہے کہ سائٹل ایک ایماندار اور محکمہ تعلیم کی بہتری کیلئے کوشاں رہتا ہے۔ سابق اور موجودہ DEOs گواہ ہیں۔

① سائٹل کے خلاف سخت گہریت بے بنیاد اور ضد و تعصب پر مبنی شکایت پر انکو ایڈری میں بے گناہی ثابت ہو چکی ہے! تفصیلی انکو ایڈری ریکارڈ کا حصہ ہے اور اسی شکایت کو بنیاد بنا کر کارروائی معنی خیز ہے۔

② سائٹل کے خلاف کارروائی میں E & D Rules کو Follow نہیں کیا گیا!

③ سائٹل کو Self Explanation کا موقع نہیں دیا گیا۔

④ سائٹل کے خلاف بالکل یکطرفہ کارروائی ظلم اور بے انصافی ہے۔

⑤ سائٹل کو ایمانداری اور تعلیم نظام کیلئے انتہائی کارروائی کا نشانہ بنایا گیا!

⑥ سائٹل کو "تھک عزت" کے قانونی حق سے روکنے کیلئے انتہائی کارروائی کا نشانہ بنایا گیا جو مناسب نہیں بلکہ معنی خیز ہے!

لینڈر مندرجہ بالا حقائق کے تناظر میں مذکورہ بالا حکم منسوخ کیا جاوے۔

Dated:- 08-02-2022

الحاضر:- محمد الطاف بگٹی SPT اف GHS سنی احمد شاہ لوڈیٹر

ATTESTED



24

DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATION KHYBER
PAKHTUNKHWA PESHAWAR

NOTIFICATION

Annex "J"

Consequent upon the approval of the Competent Authority, the transfer order in respect of Mr. Altaf Bangash SST GHS Sakhi Ahmad Shah District Kurram issued vide Notification No. 1179-84 Dated 27-01-2022, is withdrawn with effect from the date of its issuance:

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst: No. 1886-91 /F.No. Altaf Bangash SST District Kurram.
Dated Peshawar the 11/02 /2022

Copy forwarded to the:-

- 1 District Education Officer (Male) Kurram with the remarks to inform the SST concerned to be careful in future.
- 2 District Accounts Officer Kurram.
- 3 Principal/Headmaster concerned.
- 4 SST concerned.
- 5 P.A to Director Education Khyber Pakhtunkhwa Peshawar.
- 6 PA to Additional Director (Estab) Merged Districts Khyber Pakhtunkhwa Peshawar.

11/2/2022
ASSISTANT DIRECTOR (ESTAB)
MERGED DISTRICTS

[Signature]
ATTESTED



25

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA

PHONE: FAX:

NO. 2329

DATED 24/02/2022

Registered

To

Annex "K"

The District Education Officer (Male), Kurram

Subject: - DEPARTMENTAL ACTION/SHOW CAUSE NOTICE.

I am directed to refer to the subject cited above and to enclose here with two copies of Show Cause notices, in respect of Mr. Altaf Bangash SST GHS Sakhi Ahmad Shah District Kurram, which may be served upon him and one copy of the same may be returned to this office duly signed by the accused SST, as a token of receipt of his copies.

[Signature]
24/2/2022
Assistant Director (Estab)
Elementary & Secondary Education
- Khyber Pakhtunkhwa

Endst: No. 2330 IAE/Disciplinary cases /SST (M)
Copy of the above is forwarded to:

- 1. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.

[Signature]
24/2/2022
Assistant Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

ATTESTED



26

176

**DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATION KHYBER
PAKHTUNKHWA PESHAWAR**

SHOW CAUSE NOTICE

I, Hafiz Dr. Muhammad Ibrahim Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar, as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve upon you, Mr. Altaf Bangash SST GHS Sakhi Ahmad Shah District Kurram as show cause for details as below:-

- (i) That consequent to the inquiry process, wherein you were given opportunity of personal hearing and
- (ii) Subsequently, after going through the findings and recommendations along with material on record and connected papers including your defence before the inquiry officer.

2. I am satisfied that you have committed the following acts/omissions specified in section 3 of the said rules.

- i. Interference in the affairs of the GGDC Sadda Kurram:
- ii. Grown personal with Principal and Ex-In-charge of GGDC Sadda Kurram by shilling them with baseless, illegal and irrelevant charges through RTI, C.P, and Higher Education Department.
- iii. Defaming them for baseless corruption, leading to their mental harassment and torture.
- vi. Blackmailing them for baseless complaints in order to achieve personal gain.
- v. Miss-conduct.

3. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you a Major/Minor Penalty as mentioned in Rules (4) (a) (ii) of E&D Rules, 2011.

4. You are, thereof, required to reply 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.

5. 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 defence to put in and in that case an ex-parte action shall be taken against you.

DIRECTOR

Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

ATTESTED

①

27

Annex "L"

جناب ڈائریکٹر ایگزیکٹو اینڈ سیکنڈری ایجوکیشن خیر پختونخوا

جواب بابت شوکار نوٹس

جناب عالی!

تاریخ 16 مارچ سن 2022ء

آپ صاحبان کی جانب سے بندہ سے بذریعہ شوکار نوٹس جواب طلب کی گئی ہے جس کا پیراڈرافٹ جواب پیش خدمت ہے۔

① گورنمنٹ گرلز ڈگری کالج صدا ضلع کرم کے معاملات میں دخل اندازی۔

جواب: جناب مذکورہ کالج میں مداخلت کا الزام سرے سے غلط ہے میں منورہ بیگم لیب اینڈرنٹ کا مختار خاص ہو دوسرا یہ کہ مذکورہ کالج میں میرے کئی رشتہ دار بحیثیت طالبات پڑھتے ہیں جن کی تعلیمی سرگرمیوں پر نظر رکھنا اور اس کے متعلق متعلقہ محکمے سے خط و کتابت کرنا میرا آئینی، قانونی سماجی اور اخلاقی فریضہ بنتا ہے۔

② پرنسپل اور انچارج کے ساتھ ذاتیات، سٹیزن پورٹل، آر ٹی آئی اور ہائر ایجوکیشن میں مذکورہ پرنسپل اور انچارج کے خلاف غیر قانونی اور غیر متعلقہ شکایات درج کرنا۔

جواب: بذریعہ طالبات، کالج کلرک اور منورہ بیگم لیب اینڈرنٹ کہ مصدقہ اطلاعات اور دونوں انکوائریوں کے دوران سہ ماہیہ خاتون کی مسلسل غیر حاضری اور عابدہ دلشین کے من گھڑت بیانات سے یہ صاف ظاہر ہوتا ہے کہ وہ اپنے عظیموں پر پردہ ڈالنے کی ناکام کوشش کر رہے ہیں۔

اس لئے کسی بھی مصدقہ اطلاعات کی روشنی میں کسی بھی قسم کی کرپشن، لوٹ مار اور غلط کاموں کو آر ٹی آئی، سٹیزن پورٹل اور متعلقہ محکموں کے نوٹس میں لانا غیر قانونی شکایات کے ذمے میں نہیں آتا۔

③ بے بنیاد الزامات سے ذہنی اذیت دینا۔

جواب: جناب کالج کے درختوں کو فروخت کرتے وقت کسی قانونی تقاضے کو مد نظر نہیں رکھا گیا درخت فروخت کرتے وقت نہ تو اخبار میں کسی قسم کا اشتہار دیا گیا اور نہ ہی کوئی کمیٹی بنائی گئی بلکہ درخت کاٹ کر براہ راست فروخت کر دیے گئے اور 26 ہزار کے بجائے صرف چھ ہزار روپے بینک میں جمع کر کے اس کا رسید ظاہر کیا گیا۔ بینک رسید بطور ثبوت موجود ہے

اس لیے انہیں ذہنی اذیت نہیں دی بلکہ ان کے کرپشن سے پردہ اٹھایا گیا ہے

باقی صفحہ ② P.T.O

ATTESTED

2

28

4) ذاتی مفادات حاصل کرنے کے لیے مذکورہ پرنسپل اور انچارج کو بد نام کرنا۔

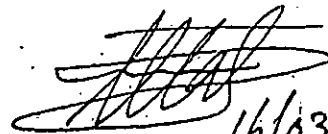
جواب: جناب کسی کو بد نام یا بلیک میل کرنے کے لیے جو ذرائع استعمال ہوتے ہیں وہ میسجز، فون کالز، بلٹانہ ملاقات یا خطوط ہوتے ہیں۔ لیکن ان کے پاس مذکورہ ذرائع میں سے کسی قسم کی کوئی ثبوت موجود نہیں ہے اگر ان کے پاس ان ذرائع میں سے کسی ایک ذریعہ کی بھی ثبوت موجود ہو جن کی مدد سے میں نے انہیں بدنام کرنے کی کوشش کی ہو تو میں اپنے آپ کو پورا نمبر 4 کے روشنی میں ملزم تسلیم کرنے کو تیار ہوں۔

5) مس کنڈکٹ کا اطلاق۔

میرے گڈ کنڈکٹ کے حوالے سے سابقہ ہیڈ ماسٹر، تحصیلدار اسسٹنٹ پولیسٹیکل ایجنٹ کے سرٹیفیکیشن اور سابقہ انکوائری آفیسر جناب منور گل صاحب کی انکوائری رپورٹ کے ریکمنڈیشن میرے گڈ کنڈکٹ اور اچھے کردار کے ناقابل تردید ثبوت ہیں۔ اس لیے آپ صاحبان سے عرض کی جاتی ہے کہ میرے خلاف انکوائری رپورٹ میں مس کنڈکٹ کے ریکمنڈیشن کو ایگزیزٹ کر کے مشکور فرمائیں۔

شکریہ

آپ کا تابعدار محمد الطاف بخش گورنمنٹ ہائی اسکول سخی احمد شاہ ضلع کرم۔


16/03/22

ATTESTED



29

Annex "M"

**DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATION KHYBER
PAKHTUNKHWA PESHAWAR**

NOTIFICATION

1. WHEREAS, the Inquiry Officer submitted a report against Mr. Altaf Bangash SST GHS, Sakhi Ahmad Shah District Kurram Dairy No. 352 dated 03-01-2022.
2. AND WHEREAS, the Director, Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar served a Show Cause Notice upon the said SST under Khyber Pakhtunkhwa Govt. Servants (Efficiency and Discipline) Rules 2011, through DEO Khyber vide letter No. 2329 dated 24-02-2022.
3. AND WHEREAS, the Director, Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar called him for personal hearing vide letter No. 2681 dated 10-03-2022.
4. AND WHEREAS, the Director, Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar, being the Competent Authority after having examined the evidences available on record and the subsequent personal-hearing opportunity given for reply in self-defence, wherein as per Para No.1, your self-confession of possessing the right of direct correspondence with other Departments, and as per Para No.2, terming complaints to RTI & Citizen Portal against un-lawful activities as legal, confirms that the charges leveled upon you have been proved.
5. AND NOW THEREFORE, in exercise of the powers conferred under rules 4. (b) (i) of the Khyber Pakhtunkhwa Govt. Servants (Efficiency and Discipline) Rules 2011, the Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar (Competent Authority) is pleased to impose Major Penalty of "Reduction to a Lower Stage in a Time Scale" for five years consecutively upon you, Altaf Bangash, SST GHS Sakhi Ahmad Shah District Kurram.

Director

Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst: No. 3364-74 /A-12/Altaf Bangash SST Kurram

Dated Peshawar the 24/3/ 2022

Copy of the above is forwarded to the:-

1. District Education Officer (Male) Kurram with the remarks to make necessary entry into his Service Record.
2. District Accounts Officer Kurram with the remarks for similar action.
3. Principal GHS Sakhi Ahmad Shah District Kurram.
4. SST concerned.
5. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa.
6. Master File.

Deputy Director (Estab)

Elementary & Secondary Education
Khyber Pakhtunkhwa

ATTESTED

حکومت پنجاب صوبائی محنت اعلیٰ صوبہ KP پشاور

محمد الطاف بگاش SST (نام حافظ محمد ابراہیم DE & SE صوبہ KP

اپیل برائے:- مشورفی وکالعدم قرار دینا Notification No 3369-74 Dt: 24-03-022

جنتا عالی! Brief History of the case :- میرے خلاف من گھڑت بے بنیاد اور غلط

بیانی پر مبنی شکایت End No: 275-93 Dt 31 10/20 پر DE&SE نے انکوائری مقرر کی۔
1 انکوائری افسر نے مورخہ 22/20 کو اپنا رپورٹ جمع کیا اور DE&SE نے اس پر put up بھی کیا۔

RECOMMENDATIONS:- "AS Altaf Bangash SST has got attorney to fight the case of Mumamara, Lab Attendant of the said college, Hence Legaly he cannot be blamed. It is therefore, recommended that the instant complaint lodged by the Principal against Altaf Bangash SST GHS Sakhi Ahmad Shah (Sadda) District Kurram may be filed."

چونکہ انکوائری میں میری بے گناہی ثابت ہو گئی تو "ہتک عزت" کے قانونی حق کو استعمال کرنے کیلئے میں نے قانونی طریقہ کار اپنانے شروع کیلئے درخواست جمع کیا جو D.D.E.O کے خط نمبر 1989 مورخہ 15/2021 بذریعہ رجسٹری No, 960, RGL58117492 مورخہ 17/21 کو DE&SE کو بھیجا گیا۔ تو Reaction میں 337 دن بعد اسی شکایت کو بنیاد بنا کر وارنٹ علی کو انکوائری افسر مقرر کیا۔ انہوں نے گریڈ کالج میں 3 گھنٹہ گزارے اور پھر 15 منٹ سے زیادہ وقت نہیں دیا اور کوئی سوالنامہ وغیرہ بھی نہیں دیا بلکہ میرے پاس موجود دستاویزی ثبوت کو دیکھنے کی زحمت بھی گوارا نہیں کی !!!

2 انکوائری رپورٹ میں اس نے 15/02 کو GHS سخی احمد شاہ visited بھی غلط بیانی سے انکوائری میں wordings سے بھی ان کی جانبری چھلکی ہے اور میرے لئے دور دراز ضلع میں ٹرانسفر کا ذکر بھی Prejudice پر مبنی ہے کیونکہ E&D Rules 2011 میں ٹرانسفر پنالٹی میں شامل نہیں!

عالی جاہ!

3 E&D Rules No 14 میں انکوائری جمع کرنے کے بعد طریقہ کار کے مطابق accused کو یا تو exonerate کرنے کا حکم جانا یا جانا یا رول نمبر 6 کے تحت کارروائی ہوگی جو رول نمبر 11 کے sub-rule 7 کے تحت 30 دن میں ہوگی جبکہ میرے خلاف 337 دن بعد دوسری انکوائری بدینتی اور انتقامی کارروائی کے ساتھ غیر قانونی بھی ہے اور misconduct کے ذمہ میں بھی آتا ہے!

4 نشوونما نوٹس No, 2389 Dt: 24-02-022 اور نشوونما نوٹس No, 2682-83 Dt: 10-03-022 دونوں مجھے 11/03

1 That consequent to the inquiry process, کو مل گئے ہیں لیکن اس میں لکھا گیا ہے کہ you were given opportunity of personal hearing. سو فیصد جعلی صورت، غلط بیانی اور مکمل بدینتی پر مبنی ہے اور میں challenge کرتا ہوں کہ اگر اس حوالہ سے Attendance میں میرا signature دکھائے تو میں مستعفی ہونے کو بھی تیار ہوں !!!
14-03-022 کو میں حاضر ہوا تو Attendance میں مجھ سے حاضری کا دستخط لیا گیا اور انکوائری فورٹو اسٹیٹ کی فراہمی پر بھی Receiving میں دستخط لیا گیا۔ میرے اصرار کے باوجود مجھے حافظ محمد ابراہیم سے نہیں ملوایا گیا اور 3 گھنٹہ انتظار کے بعد بتایا کہ نشوونما نوٹس میں درج الزامات کا جواب جمع کریں!
(باقی دوسرے صفحے پر) 2

ATTESTED

No. P.O. Complaints: 497/04/2022
Dt: 19-05-2022
End No: 4912
مقرر کی کو بھیجا گیا

31

No. 121 TA

RGL87249879

Rs. 120/- Ps.

Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or of which no acknowledgement is due.

Received a registered addressed to

Date-Stamp

Initials of Receiving Office Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) (in words)

If insured Weight Kilo Grams Insurance fee Rs. Ps. (in words)

Name and address of sender

ATTESTED



OMBUDSMAN (محتسب) SECRETARIAT, GOVERNMENT
OF KHYBER PAKHTUNKHWA

32

No: P.O/Complaints/497/04/2022

Dated: 19/05/2022

To

Annex "O"

Secretary,
Elementary & Secondary Education Department,
Khyber Pakhtunkhwa, Peshawar.

SUBJECT: REQUEST FOR CANCELLATION OF NOTIFICATION NO. 3369-74

Dear Sir,

I am directed to enclose herewith a Complaint filed by Muhammad Altaf Bangash r/o District Kurram on the subject cited above and forward it to your office for consideration and appropriate action under the law /rules please.

THIS ISSUES WITH THE APPROVAL OF THE PROVINCIAL OMBUDSMAN

13

REGISTRAR

Provincial Ombudsman Secretariat,
Khyber Pakhtunkhwa.

Endst: Even No. & Date: -/2/19/12

Copy forwarded for information to Muhammad Altaf Bangash ((SST) Govt: High School Sakhi Ahmad Shah, Lower Kurram District Kurram. Cell No. 0301-3237876.

REGISTRAR

Provincial Ombudsman Secretariat,
Khyber Pakhtunkhwa.

ATTESTED

محترم جناب سیکرٹری انٹرنیشنل اینڈ سٹینڈرڈس ایجوکیشن صوبہ KP پشاور

No=3364-74
Dt: 24-03-2022

اپیل برائے منسوخی نوٹیفکیشن پر

جناب عالی! گورنمنٹ قابل غور ہے کہ میرے خلاف GODE عدہ کے پیرسپل صاحب نے من گھڑت سے بنیاد اور جھوٹ و غلط بیانی پر مبنی شکایت کی تھی۔ DE&SE نے انکوائری مقرر کی اور الحمد للہ اس نے مفصل رپورٹ جمع کیا ہے اور میری بے گناہی ثابت کر دی۔
2011 E & D Rules کے رول نمبر 14 کے مطابق اگر دوسری انکوائری ضروری ہوں تو 30 دن کے اندر Accused کے خلاف دوسری انکوائری شروع کی جائے گی ورنہ اس کو exonerate کیا جائے گا!

عالیجاہ! میرے خلاف ہندو عناد اور تعصب پر 337 دن بعد دوسری انکوائری مقرر کرنا اور ایک منظم سازش کے تحت مجھے penalty دینا ظلم اور اختیار کا غلط استعمال ہے جو مناسب نہیں۔ اور میرے خلاف سب سے بڑا الزام و جرم RTI استعمال کرنا بتایا گیا ہے حالانکہ RTI ایکٹ 2013 کے رول نمبر 3 کے تحت "حق معلومات" اور رول نمبر 23 کے مطابق "شکایت کا حق" اور رول نمبر 29 کے تحت "تحفظ کا حق" Indemnity بھی حاصل ہے۔

نوٹ:- اس حوالے سے اپیل 30 دن میں سونامہ کیوں مینے صوبائی صاحب کو اپیل کیا تھا اور میرا وہ اپیل صوبائی صاحب سیکرٹریٹ سے مورخہ 19⁰⁵/₂₀₂₂ حوالہ نمبر No=4912 بھی سیکرٹری انٹرنیشنل اینڈ سٹینڈرڈس ایجوکیشن کو بذریعہ رجسٹر ارسال کیا گیا۔

Dated:- 20-05-2022

#= 03013237876

العارضن:- محمد الیاف بیبیش SST اف GHS سنی احمد شاہ لوئر مریم ضلع کرم

ATTESTED

(34)

Annex 'Q'



GOVERNMENT OF KHYBER PAKHTUNKHWA
SECONDARY EDUCATION OFFICE
PESHAWAR
DATE: 12/01/2017

The District Education Officer (M.A.S.)
District of Peshawar

**REVIEW APPEAL FOR CANCELLATION OF INVESTIGATION
NO. 1189-74, DATED 24.07.2017**

Reference is made to the subject cited above and to the
investigation report of the case above in respect of Muhammad Aftab Khan
and Muhammad Qasim Ahmad Khan Lower Kurram for your perusal with the
view that the mentioned SST may be asked to give an undertaking on
the spot in your regard and settlement & accounts provided in the
investigation report are duly investigated by you and it may be submitted
in support of the fact of settlement, etc.

It is further desired to say that if the SST does not
comply with the conditions set forth in disciplinary proceedings will be initiated
against him/her.

As above.

**Assistant Director (Estab)
Elementary and Secondary Education,
Khyber Pakhtunkhwa**

Copy of the above is forwarded to the

**Director, Elementary and Secondary Education, Khyber
Pakhtunkhwa Peshawar.**

**Assistant Director (Estab)
Elementary and Secondary Education,
Khyber Pakhtunkhwa**

[Handwritten signature]

"Better copy"

34-A

To

The District Education Officer (Male)

Kurram at Parachinar.

Subject:- REVIEW APPEAL FOR CANCELLATION OF NOTIFICATION NO.
3369-74, DATED 24-03-2022.

I am directed to refer to the subject cited above and to enclose here with a copy of review appeal in respect of Muhammad Altaf Bangash SST, GHS Sakhi Ahmad Shah Lower Kurram for your perusal with the remarks that the mentioned SST may be asked to give an under taking on Judicial Stamp Paper regarding non-involvement & non-interference in the un-necessary activities duly countersigned by you, and it may be submitted to this Directorate for further necessary action.

I am further directed to ask you to inform the SST concerned to be careful in future, otherwise strict disciplinary proceedings will be initiated against him, please.

Enct: As above.

Assistant Director (Estab)

Elementary and Secondary Education

Khyber Pakhtunkhwa.

Endst No. 8264/13/09/2022

Copy of the above is forwarded to the:-

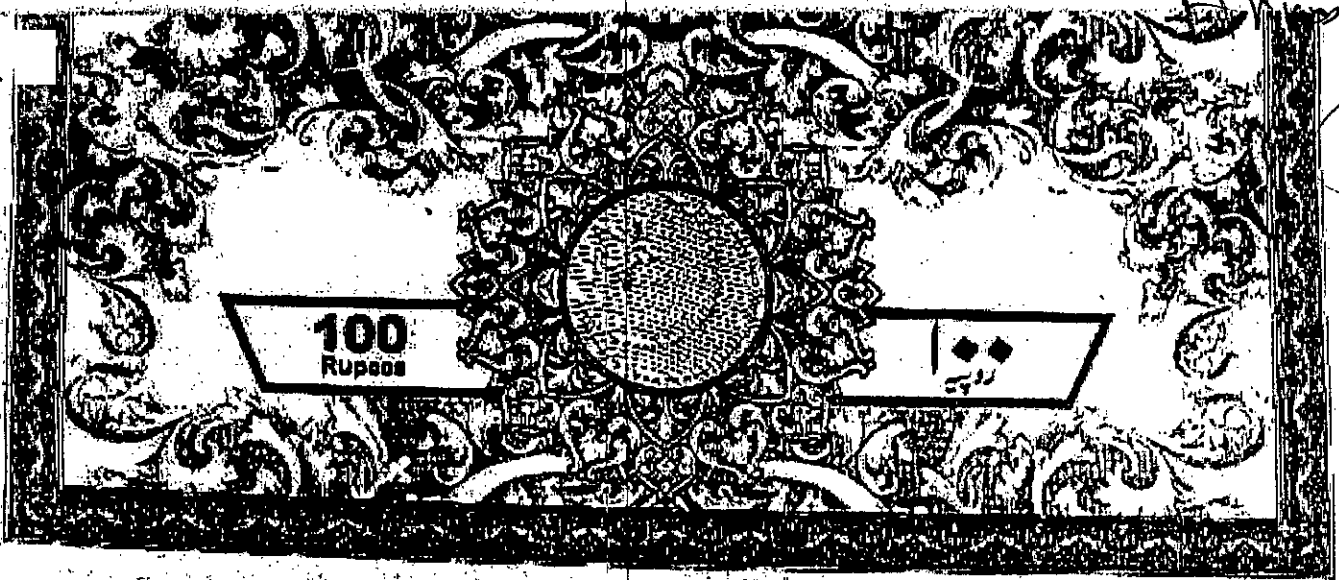
1. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa,
Peshawar.

Assistant Director (Estab)

Elementary and Secondary Education

Khyber Pakhtunkhwa.

ATTESTED



CR-2
35

UNDERTAKING

Reference to letter No. 8264, dated 13/09/2022, I, Mohammad Altaf Bangash S/o Sultan Mohammad, SST Government High School Sakhi Ahmad Shah, Tehsil Lower Kurram, District Kurram, hereby undertake that I, in the best interest of the department, will follow the rules and regulations enunciated by the Elementary & Secondary Education Department. That I will never indulge, involve, or interfere in the activity that goes against the interests of the department;

C/Signed

M. Amin
Deputy District
Education Officer Sarda
Lk & C.K. Distt. Kurram

27-09-22

Yours Sincerely,
Mohammad Altaf Bangash
SST GHS Sakhi Ahmad Shah

[Signature]
ATTESTED

5/24/01

36

Annex "S"

To,

The Section Officer (Primary)
Elementary and Secondary Education Department.

Subject: - **REQUEST FOR CANCELLATION OF NOTIFICATION NO. 3369-74 DATED 24-03-2022**

In continuation of this Directorate letter bearing No. 7199 Dated 19-08-2022 on the subject cited above and to enclose here with an under taking on the Judiciary Stamp Paper in original in respect of Muhammad Altaf Bangash SST, Govt. High School Sakhi Ahmad Shah, Tehsil Lower Kurram, District Kurram for the perusal of worthy Secretary Elementary and Secondary Education Department, being appellate authority, please.

Encl: As above.

Endst: No.

9549

Copy forwarded to the:-

1 P.A to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

~~of~~
Assistant Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

~~of~~
Assistant Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

ATTESTED

گلنور جنا. سیکرٹری صاحب ایڈمنسٹری اینڈ سیکنڈری ایجوکیشن صوبہ KP پشاور

نفاذ نہ اپیل برائے منسوخ ³³⁶⁹⁻⁷⁴ ~~174-85~~ Notification No. ~~174-85~~ ²⁴⁻⁰³⁻²⁰²² اس حوالہ سے جو ڈسٹریکٹ سٹامپ پیپر پر Statement بھی دیا جا چکا ہے جو مورخہ 24/10/22 اپ کو ارسال بھی ہیں۔

جنا عالی! گذرشی قابل غور ہے کہ سائیل میں ایماندر اور محکمہ تعلیم کی بہتری کیلئے کوشاں رہنا ہے

- ① سائیل کے خلاف من گھڑت بے بنیاد اور ضد و تعصب پر مبنی شکایت پر انکوائری میں بے گناہی ثابت ہو چکی ہے۔ 337 دن بعد Denovo انکوائری غیر قانونی سمجھی ہے
- ② سائیل کے خلاف E&D رولز کو Follow نہیں کیا گیا۔
- ③ سائیل کو Personal Hearing کا موقع نہیں دیا گیا۔
- ④ سائیل کے خلاف بالکل یکطرفہ کارروائی ظلم بے انصافی اور غیر قانونی ہے۔
- ⑤ سائیل کو "عزت" کے "قانونی حق" سے محروم رکھنے کیلئے یہ سب کچھ کیا گیا۔
- ⑥ سائیل کو Exonerate کرنے کا حکم صادر فرماویں اور مزکورہ بالا نوٹیفکیشن کو منسوخ کرنے کا حکم صادر فرماویں۔

Dated: - 24/10/2023

مشکور رہو نگا۔

الکارب: محمد الہاف شیخ SST اف ایس ایس سی احمد شاہ لوڈی مرم

SS (E)
I have examined the same
and found it correct
24/10/22

AGE

SO (PE)
Pest-uf

ATTESTED

24/11



GOVERNMENT OF KHYBER PAKHTUNKHWA

ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

CIVIL SECRETARIAT PESHAWAR

(Phone No.091-9223587)

Annex "U"

38

No.SO (Primary-M)/E&SED/5-1/General-Misc./Mr. Altaf Bangash,SST/2023
Dated Peshawar the, January 25th, 2023

To,

The Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa.

Subject:

APPEAL FOR CANCELLATION OF NOTIFICATION NO. 4479-84-74
DATED 24.02.2022 24-03-22 ✓

3369-74 ✓

I am directed to refer to the subject noted above and to enclose herewith a copy of the applications, which is self-explanatory, submitted by Mr. Altaf Bangash, SST, GHS, Lower Kurram.

2. I am further directed to request you examine the case and settle the issue on your level and submit a compliance report to this department on a priority basis, please.

Encl: AA

(Muhammad Ishaq)
SECTION OFFICER (PRIMARY MALE)

Endst: No & Date Even: -

Copy forwarded to the:

1. The District Education Officer (Male) Lower Kurram.
2. PS to Secretary E&SE, Khyber Pakhtunkhwa.
3. Mr. Altaf Bangash, SST, GHS, Lower Kurram.

SECTION OFFICER (PRIMARY MALE)

25/1/23

ATTESTED

39.

Annex "V"



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block "A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223587**

Peshawar Dated 10th August, 2023

ORDER

No. SO(PE-M)S-1/2023/Mr. Altaf Bangush /Lower Kurram:

- WHEREAS, Complaint was lodged against Mr. Altaf Bangush, SST (BS-16), GHS Sakhi Ahmad Shah Lower Kurram by Principle Govt Girls Degree College Sadda Kurram.
2. AND WHEREAS, the complainant stated that Mr. Altaf Bangush, SST (BS-16) visited the Girls Collage time and again to get signed some fake/bogus documents.
 3. AND WHEREAS, an inquiry officer was nominated and the inquiry officer recommended that the services of the said teacher may be transferred to any far flung District and disciplinary proceedings may be initiated against him.
 4. AND WHEREAS, after completion of the due process, Director E&SED imposed a major penalty of 'Reduction to a lower stage in a time Scale' for five years vide dated 24-03-2022.
 5. AND WHEREAS, the appellant submitted an appeal to Appellate Authority i.e. Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa for redressal for their Grievances.
 6. AND, WHEREAS, The Secretary E&SED being appellant Authority, appointed Additional Secretary (Estab) as personal hearing officer for the said accused teacher. Accordingly, the accused was offered an opportunity of personal hearing. After examination of all records and supporting documents presented during the personal hearing of the appellant, the appeal was found in-convincing and time barred.
 7. NOW, THEREFORE, in view of the relevant records, I being Competent Authority and in exercise of the power under Rule-17 (2) (a) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the appeal of the appellant is regretted.

**SECRETARY
E&SE DEPARTMENT**

Endst: of even No. & date:

Copy forwarded to:

1. The Accountant General, Khyber Pakhtunkhwa Peshawar.
2. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Male), Lower Kurram.
4. The District Accounts Officer Lower Kurram.
5. The PS to Secretary, Elementary & Secondary Education Department.
6. Mr. Altaf Bangush, SST (BS-16), GHS Sakhi Ahmad Shah Lower Kurram

21-8-23

(Muhammad Ishaq)
SECTION OFFICER
(PRIMARY-MALE)

18/8/23

[Handwritten signature]

ATTESTED

DIRECTORATE OF EDUCATION
(FATA), SECRETARIAT
WARSAK ROAD PESHAWAR
Phone No. 091-9210166 Fax No. 091-9210216

Annex "W"
40

No 9985-86 / FG 10/GGDC-Sadda
Dated Peshawar the 31/7 /2013

To

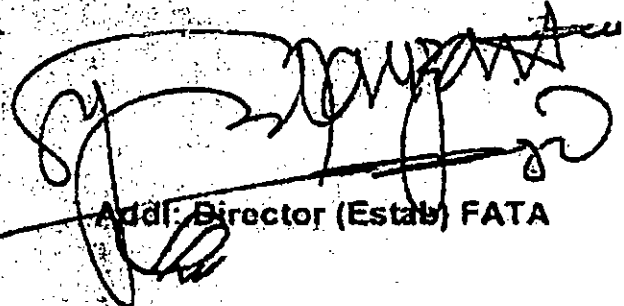
1. The Agency Education Officer
Lower Kurram at Sadda.
2. The Principal,
Govt. Girls Degree College
Sadda Kurram Agency

Subject: DUAL SERVICE / TERMINATION.

Memo:

I am directed to inform you that consequent upon the inquiry report, it has been proved that Mst. Dil Nasheen Adhoc lecturer Govt. Girls Degree College Sadda has also been posted against SST post at GGMS Tindo

Since neither she has applied for leave nor admissible to her, hence she should resign from one post, deposit the salaries if received on both posts and to inform this Directorate immediately. She should be informed accordingly. In case her report / choice has not been received her services on lecturer post will be terminated and strict disciplinary action will be taken against her under the rules. Her salaries for one of the post ought to be returned.


Addl. Director (Estab) FATA

Encl: No. _____
Copy to the:-

1. PS to Secretary Education FATA.
2. Dy Director (M&F) Local Directorate.
3. Miss. Abida Dilnasheen Adhoc lecturer Govt. Girls Degree College Sadda for information and immediate report.
4. Mst. Nazia Bibi Lab Asstt: Govt. Girls Degree College Sadda is warned strictly to be careful in future and mend her activity / behavior the Principal concerned is authorized to record daily activities of Nazia Bibi and if not mend her way then proceed her under E&D.


ATTESTED

Recovery 21801000 /
SST Ullah
SST Ullah
0308 5576600 = 0099755 7030

41

**GOVERNMENT OF THE KHYBER PAKHTUNKHWA ESTABLISHMENT AND
ADMINISTRATION DEPARTMENT.**

NOTIFICATION

Peshawar dated the 16th September, 2011.

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

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

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

(3) These shall come into force at once.

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

(a) "accused" means a person in Government service against whom action is initiated under these rules;

(b) "appellate authority" means the authority next above the competent authority to which an appeal lies against the orders of the competent authority;

(c) "appointing authority" means an authority declared or notified as such by an order of Government under the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and the rules made thereunder or an authority as notified under the specific laws/rules of Government;

(d) "charges" means allegations framed against the accused pertaining to acts of omission or commission cognizable under these rules:

(e) "Chief Minister" means the Chief Minister of the Khyber Pakhtunkhwa;

(f) "competent authority" means-

(i) the respective appointing authority;

(ii) in relation to a Government servant of a tribunal or court functioning under Government, the appointing authority or the Chairman or presiding officer of such tribunal or court, as the case may be, authorized by the appointing authority to exercise the powers of the competent authority under these rules:

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

(g) "corruption" means-

(i) accepting or obtaining or offering any gratification or valuable thing, directly or indirectly, other than legal remuneration, as a reward for doing or for bearing to do any official act; or

(ii) dishonestly or fraudulently misappropriating, or indulging in embezzlement or misusing Government property or resources; or

(iii) entering into plea bargain under any law for the time being in force and returning the assets or gains acquired through corruption or corrupt practices voluntarily; or

(iv) possession of pecuniary sources or property by a Government servant or any of his dependents or any other person, through his or on his behalf,

ATTESTED

which cannot be accounted for and which are disproportionate to his known sources of income; or

- (v) maintaining a standard of living beyond known sources of income; or
- (vi) having a reputation of being corrupt;
- (h) "Governor" means the Governor of the Khyber Pakhtunkhwa;
- (i) "inefficiency" means failure to efficiently perform functions assigned to a Government servant in the discharge of his duties;
- (j) "inquiry committee" means a committee of two or more officers, headed by a convener, as may be appointed by the competent authority under these rules;
- (k) "inquiry officer" means an officer appointed by the competent authority under these rules;
- (l) "misconduct" includes-
 - (i) conduct prejudicial to good order or service discipline; or
 - (ii) conduct contrary to the Khyber Pakhtunkhwa Province Government Servants (Conduct) Rules, 1987, for the time being in force; or
 - (iii) conduct unbecoming of Government servant and a gentleman; or
 - (iv) involvement or participation for gains, directly or indirectly, in industry, trade, or speculative transactions by abuse or misuse of official position to gain undue advantage or assumption of such financial or other obligations in relation to private institutions or persons as may compromise the performance of official duties or functions; or
 - (v) any act to bring or attempt to bring outside influence, directly or indirectly, to bear on the Governor, the Chief Minister, a Minister or any other Government officer in respect of any matter relating to the appointment, promotion, transfer or other conditions of service; or
 - (vi) making appointment or having been appointed or promoted on extraneous grounds in violation of any law or rules; or
 - (vii) conviction for a moral offence by a court of law.
- (2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No XVIII of 1973) or any other statutory order or rules of Government for the time being in force.

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

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

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

- (a) Minor penalties:
 - (i) censure;
 - (ii) withholding, for a specific period, promotion or increment subject to a maximum of three years, otherwise than for unfitness for

ATTESTED

promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post:

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

- (iii) recovery of the whole or any part of any pecuniary loss caused to Government by negligence or breach of order;
- (b) Major penalties:
 - ¹(i) reduction to a lower post or pay scale or to a lower stage in a time scale for a maximum period of five years:

Provided that on a restoration to original pay scale or post, the penalized Government servant will be placed below his erstwhile juniors promoted to higher posts during subsistence of the period of penalty;]
 - (ii) compulsory retirement;
 - (iii) removal from service; and
 - (iv) dismissal from service.

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

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

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

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

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

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

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

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

Provided that the competent authority may dispense with the inquiry where it is in possession of sufficient documentary

ATTESTED

evidence against the accused or, for reasons to be recorded in writing, it is satisfied that there is no need to hold an inquiry.

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

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

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

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

- (a) inform the accused by an order in writing, of the grounds for proceeding against him, clearly specifying the charges therein, alongwith apportionment of responsibility and penalty or penalties proposed to be imposed upon him;
- (b) give him a reasonable opportunity of showing cause against the proposed action, within seven days of receipt of the order or within such extended period, as the competent authority may determine;
- (c) on receipt of reply of the accused within the stipulated period or after the expiry thereof, if no reply is received, determine whether the charge or charges have been proved against the accused or not:

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

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

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

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

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

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

ATTESTED

45

Provided that dismissal in these cases shall be with ²[.....] effect from the date of conviction by a court of law; and

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

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

10. Procedure to be followed by competent authority where inquiry is necessary.—

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

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

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

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

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

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

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

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

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

(6) If the accused absents himself from the inquiry on medical grounds, he shall be

² Deleted by Notification No. SO(REG-VI)E&AD/2-6/2010. Dated 18th July, 2012.

ATTESTED

deemed to have hampered or attempted to hamper the progress of the inquiry, unless medical leave, applied for by him, is sanctioned on the recommendations of a Medical Board; provided that the competent authority may, in its discretion, sanction medical leave up to seven days without such recommendations.

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

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

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

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents, and receiving evidence on affidavits; and
- (c) issuing commissions for the examination of witnesses or documents.

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

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

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

14. Order to be passed on receipt of report from the inquiry officer or inquiry committee.—(1) On receipt of report from the inquiry officer or inquiry committee, as the case may be, the competent authority, shall examine the report and the relevant case material and determine whether the inquiry has been conducted in accordance with the provisions of these rules.

(2) If the competent authority is satisfied that the inquiry has been conducted in accordance with the provisions of these rules, it shall further determine whether the charge or charges have been proved against the accused or not.

(3) Where the charge or charges have not been proved, the competent authority shall exonerate the accused by an order in writing, or it shall follow the procedure as given in sub-rule (6) of this rule.

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

- (a) inform him of the charges proved against him and the penalty or penalties proposed to be imposed upon him;
- (b) give him reasonable opportunity of showing cause against the penalty or penalties proposed to be imposed upon him and to submit as to why one or more of the penalties as provided in rule 4 may not be imposed upon him and to submit additional defense in writing, if any, within a period which shall not be less than seven days and more than fifteen days from the day the charge or charges have been communicated to him: provided that the accused shall, in his reply to show cause notice, indicate as to whether he

ATTESTED

wants to be heard in person or not;

- (c) provide a copy of the inquiry report to the accused; and
- (d) direct the departmental representative to appear, with all the relevant record, on the date of hearing.

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

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

(6) Where the competent authority is satisfied that the inquiry proceedings have not been conducted in accordance with the provisions of these rules or the facts and merits of the case have been ignored or there are other sufficient grounds, it may, after recording reasons in writing, either remand the inquiry to the inquiry officer or the inquiry committee, as the case may be, with such directions as the competent authority may like to give, or may order a de novo inquiry through different inquiry officer or inquiry committee ³[subject of sub-rule (7) of rule 11].

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

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

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

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

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

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

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

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

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

³ Added by Notification No. SO(REG-VI)E&AD/2-6/2010. Dated 18th July, 2012.

ATTESTED

48

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

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

(2) The authority empowered under sub-rule (1) shall call for the record of the case and comments on the points raised in the appeal from the concerned department or office, and on consideration of the appeal or the review petition, as the case may be, by an order in writing-

- (a) uphold the order of penalty and reject the appeal or review petition; or
- (b) set aside the orders and exonerate the accused; or
- (c) modify the orders or reduce the penalty.

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

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

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

(2) If a decision on a departmental appeal or review petition, as the case may be, filed under rule 17 is not communicated within period of sixty days of filing thereof, the affected Government servant may file an appeal in the Khyber Pakhtunkhwa Province Service Tribunal within a period of ⁴[ninety] days of the expiry of the aforesaid period, whereafter, the authority with whom the departmental appeal or review petition is pending, shall not take any further action.

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

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

⁵[.....]

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

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

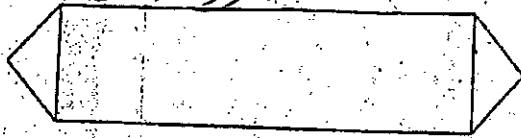
(3) Notwithstanding the repeal of the aforesaid rules, all proceedings pending immediately before the commencement of these rules against any employee under the said repealed rules or under the Khyber Pakhtunkhwa Civil Servants Act, 1973 and rules made thereunder, or any other law and rules shall continue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

⁴ Subs. by Notification No. SO(REG-VI)E&AD/2-6/2010. Dated 18th July, 2012.

⁵ Deleted by Notification No. SO(REG-VI)E&AD/2-6/2010. Dated 18th July, 2012.

ATTESTED

بعدالت حیرت بخشو کجوالا رسول شہنشاہ



موزعہ 06 ستمبر 2023ء پنجاب

محمد الطاف بنظیر بنام سید علی EastSE ویرلا

مقدمہ
دعویٰ
جرم
ریس ایپیل

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام سپورٹ ملے صاحبان (السید مسکین) صاحب مقررہ کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک درو پیہار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق و رازیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا ایپیل کی برآمدگی اور منسوخی نیز وائر کرنے ایپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو کبھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخہ منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب 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۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

المزومہ 06 ماہ ستمبر 2023

مقام _____ وراہ العا _____ کے لئے منظور ہے۔

محمد الطاف بنظیر
مولد سلطان محمد سنگھ کچی الہڑت ہلالہ لوریا 1220193
کچول حدہ -