Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 524/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	18/05/2016	The appeal of Mr. Amir Ilyas resubmitted today by Mr. Jehanzeb Khan Khalil Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order please. REGISTRAR
2	23-5-2016	This case is entrusted to S. Bench for preliminary hearing to be put up there on 9-6-16. CHAIRMAN
	09.06.2016	Appellant in person present. Due to strike of the Bar learned counsel for the appellant is not available today before the Court, therefore, case is adjourned for preliminary hearing to 21.06.2016 before S.B. MEMBER

1.06.2016 Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal, the appellant has impugned order dated 15.1.2016 vide which the appellant was removed from service. Against the impugned order the appellant filed review petition which was also turned down vide order dated 18.04.2016 hence the present service appeal.

Appellant Deposited
Security & Process Fee

Points argued at the Bar required further consideration and the appeal is within time, therefore, admit for regular hearing, subject to deposit of security and process fee within 10 days. Notices be issued to the respondents for written reply/comments for 10.8.2016 before S.B.

Member

10.08.2016 Agent to counsel for the appellant and Masroof Gul, Supdt alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 20.09.2016.

Member

20.09.2016 Counsel for the appellant and Mr. Masroof Khan, Supdt. Alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. Last opportunity granted. To come up for written reply/comments on 18.10.2016 before S.B.

Member

18.10.2016 Appellant in person and Mr. Masroof Gul. Supdt. alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 17.11.2016 before S.B.

Member

17.11.2016 Appellant in person and Mr. Atlas Khan, Supdt. alongwith Addl. AG for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing on 18.01.2017.

Chairman

18.01.2017 Counsel for appellant and Mr. Muhammad Saeed AD (lit.) alongwith Additional AG for respondents present. Learned counsel for appellant requested for adjournment for submission of rejoinder. Adjourned. To come up for rejoinder and arguments on 15.02.2017 before D.B.

(AHMAD HASSAN)
MEMBER

(ASHFAQUE TAJ)
MEMBER

15.02.2017 Counsel for the appellant and Mr. Muhammad Jan, GP alongwith Mr. Masroof Gul, Supdt for respondents present. Rejoinder submitted. To come up for arguments on 15.03.2017 alongwith connected appeals before D.B.

(ASHFAQUE TAJ)
MEMBER

(AHMAD HASSAN)
MEMBER

15.03.2017 Clerk to counsel for the appellant and Addl: AG for respondents present. Clerk to counsel for the requested for adjournment. Request accepted. To come up for arguments on 11.04.2017 before D.B.

(MUHAMMAD AAMIR NAZIR)
MEMBER

(ASHFAQUE TAJ)
MEMBER

524/2016 Amir Ilyas vs Govt

11.04.2017 Appellant with counsel and Muhammad Saeed, AD (Lit.) alongwith Mr. Ziaullah, Government Pleader for the respondents present.

Vide our detailed judgment of to-day in the connected service appeal No. 424/2016 titled "Muhammad Sajjad Qureshi-vs- The Governor through Chief Secretary Khyber Pakhtunkhwa, Peshawar and others", this appeal is also decided as per detailed judgment referred above. File be consigned to the record room.

ANNOUNCED
11.04.2017

(AHMAD HASSAN)
MEMBER

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

The appeal of Mr. Amir Ilyas Ex- Superintendent Khyber Pakhtunkhwa Public Service Commission received to-day i.e. on 16.05.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Annexure-F of the appeal is incomplete which may be completed.

No. 810 /S.T,

Dt. 17/5/2016

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Jehanzeb Khan Khalil Adv. Pesh.

BEFORE THE HON'ABLE SERVICES TRIBUNAL K.P.K, PESHAWAR

Mr.Amir Ilyas

Appeal no. 524/16

Vs

Government of K.P.K etc

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Appellant

Through

Jehanzeb Khan Khalil

& Amin

Aman durrani

Nasir Khan

Advocates

High Court Peshawar

BEFORE THE HON'ABLE SERVICES TRIBUNAL K.P.K, PESHAWAR

Appeal no. 524/2016

Mr.Amir ilyas Ex superintendent Khyber Pakhtunkhwa Public Service Commission Peshawar .....Appellant

VS

Government of Khyber Pakhtunkhwa Through

1. Chief Secretary Govt of Khyber pakhtunkhwa Peshawar.
2. Chairman Khyber Pakhtunkhwa Public Service Commission Peshawar.
3. Secretary pakhtunkhwa public service commission Peshawar.
4. Registrar examinations Khyber Pakhtunkhwa Public Service Commission Peshawar.....Respondents

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 (AMENDED UP TO DATE) AGAINST THE ORDER NUMBER KPK/PSC/ADMN/GF-521/978-84 DATED 15/01/2016 OF THE RESPONDENTS WHEREBY THE PENALTY OF REMOVAL FROM SERVICE WAS IMPOSED UPON THE APPELLANT AND AGAINST THE ORDER DATED 18/04/2016 THROUGH WHICH REVIEW PETITION OF THE APPELLANT WAS ALSO TURNED DOWN IN CURSORY MANNER

PRAYER IN APPEAL:

ON ACCEPTANCE OF THIS APPEAL THE IMPUGNED ORDERS MENTIONED ABOVE MAY KINDLY BE SET ASIDE AND CONSEQUENTLY THE APPELLANT MAY BE REINSTATED TO HIS POST OF SERVICE FROM THE DATE OF REMOVAL FROM SERVICE WITH ALL BACK BENEFITS .

Respectfully Sheweth,

Brief facts:

1. That the appellant is law abiding citizen of Pakistan. (Copy of CNIC is attached)
2. That the petitioner/appellant was appointed as junior Clerk on 04/05/1981 at Khyber Pakhtoon Khwa public service commission and performed his duties with due diligence & honesty hence with the passage of time promoted to the post of superintendent.
3. That in the year 2010 a task of appointment of ADOs (BPS-16) in elementary and secondary education department through Adv: NO

05/2009 was given to the respondent No 3 by conducting interviews of candidates which interviews were conducted by the respondent no 3 and the result of selected candidates was announced on 03/02/2011.

4. That in October 2014 a candidate namely Mr. Saqib Ullah who had failed to be selected due to low merit submitted two complaints to respondent no 4 on the basis of irregularities committed in zonal adjustment in the selection of said ADOs.
(Copies of complaints are annexed as annexure A and A/1)

5. That the respondent No 3, on receiving the above mentioned complaints, probed into the matter and constituted a probing committee with specific mandate (TORs) to examine the veracity of allegations of the complainant.
(Office order dated 10/03/2015 is annexed as annexure B)

6. That the probing committee, acting beyond its mandate (TORs) and without any solid proof and evidence and on the basis of surmises and conjunctures declared the appellant along with the other staff guilty of irregularities in the process of selection for the posts of ADOs (BPS-16) in Elementary and Secondary Education Department.
(Copy of report is annexed as annexure C)

7. That on the basis of the findings of the probing committee the concerned authority issued a show cause notice to appellant which was duly replied to by the appellant denying the allegation of any involvement in the above mentioned irregularities.
(Copies of show cause notice and reply are annexed as annexure D and D/1)

8. That on 15/01/2016 through impugned order penalty of removal from service was imposed upon the appellant which was assailed by the appellant through review petition but the same was also turned down by the respondents in a cursory manner without any solid reasons.
(Copy of impugned order of removal dated 15/01/2016, review petition and order of rejection are annexed as annexure E, F and G)

9. That the appellant having no adequate remedy to challenge the veracity of both the impugned orders mentioned above prefers the instant appeal on the following grounds, inter alia;

Grounds

A. That the whole procedure of constitution of probing committee conducting inquiry etc by the respondents are against the relevant Law, rules and procedure, hence having no legal effect.

B. That the report of probing committee is beyond its domain (TORs) and based on surmises and conjunctures and against the relevant rules and procedure.

C. That the probing committee failed to collect any piece of evidence supporting the allegation of the complainant against the appellant.

D. That the probing committee failed to record the statements of the high ups who had interviewed the candidates and approved the result, similarly it was respondent no: 4 who has issued the final list and not the appellant.

E. That without regular inquiry, charge sheet etc a major penalty of removal from service was imposed upon the appellant hence on this score alone the impugned order is liable to be set aside.

F. That the respondents with mala fide intention failed to give an opportunity of personal hearing to the appellant during the course of inquiry and the appellant was condemned unheard, hence the impugned orders are against the relevant rules of Law and natural justice.

G. That during the whole course of so called illegal inquiry of probing committee neither the complainant nor the other candidates were called up and examined in support of the allegations leveled in the complaints, hence the authority miserably failed to adopt the proper procedure for the purpose of deciding the matter on merits.

H. That there is no evidence regarding the involvement of the appellant in the allegation of irregularities in the selection process of ADOs and the whole process of selection was adopted and completed with the direction of the then competent authorities i.e member in charge but the probing committee badly failed to record the statements of the above mentioned competent authorities in respect of the allegation of the irregularities.

I. That the impugned order of the removal of appellant from service is also against the Law and real facts.

J. That the appellant rendered more then 30 years in the service with the respondents having no previous history regarding his involvement in such like activities.

K. That any other ground will be raised at the time of argument before the Honorable Tribunal.

It is therefore, humbly requested that on acceptance of this appeal The impugned orders of removal from service of the appellant dated 15/01/2016 along with the impugned order dated 18/04/2016 of rejection of review petition of the appellant may kindly be set aside and consequently the appellant may be reinstated with further direction to allow the appellant all back and consequential benefits. Any other relief not specifically prayed for through this appeal and deemed fit in the interest of justice may kindly be allowed to the appellant.

Appellant

Through
Jehanzeb Khan Khalil
&
Aman Durrani
Nasir Khan
Advocates
High Court Peshawar

Interim relief:

That, temporarily, the order of removal from service may kindly be suspended and Respondents may kindly be directed not to fill up the post of the appellant on regular basis till the disposal of the instant appeal.

Verification:

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from the Honorable Tribunal.

Appellant

BEFORE THE HON'ABLE SERVICES TRIBUNAL K.P.K, PESHAWAR

Mr.Amir ilyas
Vs

Government of K.P.K etc

Service appeal
Affidavit

I **Mr Amir Ilyas** do hereby solemnly affirm and declere on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this honorable Court.

Deponent

ATTESTED
ARMED SHAHEEN OATH COMMISSIONER
Distt: Courts Peshawar

Annexure-A

بحضور جناب چیئرمین پبلک سروس کمیشن خیبر پختونخوا پشاور

ثاقب اللہ خان ولد رفیع اللہ خان، قوم سواتی، ساکنہ محلہ تحتہ ال بالا، بھ ٹاؤن، ڈاکخانہ بھ، تحصیل وضلع مانسہرہ
موبائل نمبر 0300-5633356, 0345-9544498

بنام

۱) شفیق الرحمن ولد عبدالرحمن، سکنہ گاؤں موہڑ خورد، ڈاکخانہ لساں نواب، اپر تناول، ضلع مانسہرہ
شناختی کارڈ نمبر: 13503-0623012-3

۲) محمد اجمل ولد جمال الدین، ساکنہ گاؤں نمبل، ڈاکخانہ شیر گڑھ، اپر تناول، تحصیل اوگی، ضلع مانسہرہ
شناختی کارڈ نمبر: 13504-9212536-7

۳) سرفراز خان ولد شہاب الدین، ساکنہ اپر تناول، ضلع مانسہرہ۔
بمعرفت عثمان جنرل سٹور، نزد شیل فلنگ سٹیشن، محلہ ڈب، مانسہرہ

عنوان:۔ <u>زون 3 کے رہائشی مذکورہ بالا تینوں اسسٹنٹ علیم کا ADO کی پوسٹوں پر پبلک سروس کمیشن کی ملی بھگت سے زون 5 کے کوٹہ میں غیر قانونی تعیناتی</u>

جناب عالی! ۔ درخواست عرض ذیل ہے۔

1) یہ کہ سائل ثاقب اللہ نے مورخہ 30-06-2010 کو اسسٹنٹ ڈسٹرکٹ آفیسر (ADO)، گریڈ-16، محکمہ تعلیم کیلئے انٹرویو وغیرہ پاس پاس ہو کر کل نمبرات 80 (انٹرویو 38+ دیگر 20) یعنی 58/38 نمبر حاصل کیے۔
(درخواست ھذا کے ساتھ لف صفحہ نمبر 24، سیریل نمبر 1 ملاحظہ کریں)
مگر تینوں اسسٹنٹ علیم کی پبلک سروس کمیشن کے ساتھ باہمی ملی بھگت اور ساز باز کے نتیجے میں سائل کی تعیناتی زون 5 کے کوٹہ میں نہ ہو سکی۔

Received + KPK Public Service Commission + 14 OCT 2014 5495

2) اشتہار 05/2009 میں A.D.O کی کل 241 اسامیوں کی تفصیل درج ذیل ہے:۔
Merit=61, Zone 1=40, Zone 2=40, Zone 3=40, Zone 4=30, Zone 5=30
(درخواست ھذا کے ساتھ لف صفحہ نمبر 29 اور صفحہ نمبر 30 ملاحظہ کریں)

3) حیران کن طور پر زون 5 کے رہائشی صرف اور صرف اٹھائیس (28) امیدواران تعینات کیے گئے۔

14-10-2014

4) یہ کہ تینوں مسئول علیہم نے بھرتی کیلئے "بھرتی فارم" کے ساتھ اپنا ڈومیسائل جو کہ ریکارڈ کے لحاظ سے زون 3 کا بنتا ہے، پیش کیا تھا۔ لیکن ذاتی مفاد کی خاطر غلط بیانی کرتے ہوئے "بھرتی فارم" میں اپنے آپ کو زون 5 کے رہائشی ظاہر کیا۔

5) پبلک سروس کمیشن نے تینوں مسئول علیہم کے ڈومیسائل دیکھنے کے باوجود "بھرتی فارم" میں لکھے گئے زون 5 پر کوئی اعتراض نہ کیا تاکہ تینوں مسئول علیہم کی تعیناتی زون 5 کے کوٹہ میں ہو سکے۔

6) تینوں مسئول علیہم اور پبلک سروس کمیشن کا یہ فعل سائل سمیت دیگر باسیان زون 5 کی شدید حق تلفی کا باعث بنا ہے۔

7) مسئول علیہ نمبر 3 سرفراز خان کے کل حاصل کردہ نمبر 59 (انٹرویو 35+ دیگر 24) یعنی 59/35 ہیں۔ اگر مسئول علیہ نمبر 3 سرفراز خان کو زون 5 کے کوٹہ سے نکال دیا جائے تو کم نمبروں کی وجہ سے زون 3 کے کوٹے میں اس کی تعیناتی نہیں ہو سکتی اور وہ فارغ ہو جائے گا۔

8) تینوں مسئول علیہم اور پبلک سروس کمیشن کے خلاف ایک مقدمہ W.P.No.357/11 عنوان "جہانزیب خان بنام پبلک سروس کمیشن" پشاور ہائی کورٹ ایبٹ آباد بنچ کے زیر سماعت ہے جس کی آئندہ سماعت مورخہ 11-11-2014 مقرر ہے۔
(درخواست ھذا کے ساتھ لف صفحہ نمبر 13 تا صفحہ نمبر 19 اور صفحہ نمبر 28 ملاحظہ کریں)

9) سائل ثاقب اللہ کی C.M.No.42-A /12 بوساطت محمد شعیب خان ایڈوکیٹ مورخہ 25-04-2013 سے مندرجہ بالا مقدمہ میں منظور شدہ ہے۔ (درخواست ھذا کے ساتھ لف صفحہ نمبر 05 تا صفحہ نمبر 08 ملاحظہ کریں)

10) سائل کی C.M. No. 42-A /12 ہائی کورٹ کی مورخہ 25-04-2013 کی آرڈر شیٹ کے ذریعے مذکورہ بالا مقدمے کا حصہ ہے۔ (درخواست ھذا کے ساتھ لف صفحہ نمبر 08 ملاحظہ کریں)

11) سائل مورخہ 25-04-2013 سے مذکورہ مقدمہ W.P.No.357/11 میں مدعا علیہ نمبر 12 پر موجود ہے۔
(درخواست ھذا کے ساتھ لف صفحہ نمبر 13، سیریل نمبر 12 ملاحظہ کریں)

12) مسئول علیہ نمبر 01 شفیق الرحمن اور مسئول علیہ نمبر 02 محمد اجمل نے مذکورہ مقدمہ W.P.No.357/11 میں بیان حلفیاں دی ہیں کہ وہ اپر تناول زون 3 کے رہائشی ہیں۔ بیان حلفیاں اس درخواست کے ساتھ لف ہیں۔
(درخواست ھذا کے ساتھ لف صفحہ نمبر 01، صفحہ نمبر 02 اور صفحہ نمبر 03، صفحہ نمبر 04 ملاحظہ کریں)

13) مندرجہ بالا مقدمہ کے مورخہ 25-09-2014 کے آرڈر شیٹ میں اسسٹنٹ ایڈوکیٹ جنرل نعیم عباسی کو ہائی کورٹ کی جانب سے ہدایت کی گئی ہے کہ وہ مسئول علیہ نمبر 01 اور مسئول علیہ نمبر 02 کی بیان حلفیاں پبلک سروس کمیشن کو ارسال کر دے تاکہ کمیشن ان تینوں مسئول علیہم کو زون 5 کے کوٹے سے نکال دے۔ (درخواست ھذا کے ساتھ لف صفحہ نمبر 12 ملاحظہ کریں)

14) زون 5 کا آخری منتخب شدہ اُمیدوار رب نواز ولد گل داد خان، سیریل نمبر 279، حاصل کردہ نمبر 58/38، تاریخ پیدائش 15-04-1973 ہے۔

(درخواست ھذا کے ساتھ لف صفحہ نمبر 20، سیریل نمبر 109 اور صفحہ نمبر 24، سیریل نمبر 279 ملاحظہ کریں)

15) سائل زون 5 کی میرٹ لسٹ میں باقی ماندہ اُمیدواران میں "Top of the List" ہے، یعنی سائل، سیریل نمبر 281، حاصل کردہ نمبر 58/38، تاریخ پیدائش 14-04-1974 ہے۔

(درخواست ھذا کے ساتھ لف صفحہ نمبر 24، سیریل نمبر 281 ملاحظہ کریں)

16) چونکہ سائل زون 5 کی میرٹ لسٹ میں باقی ماندہ اُمیدواران میں "Top of the List" ہے، اسلئے اگر ان تینوں مسئول علیہم کو زون 5 کے کوٹہ سے نکال دیا جائے تو سائل کی تعیناتی ADO کی پوسٹ پر ہو جائے گی۔

17) اگر درخواست ھذا پر پندرہ (15) دنوں تک کوئی عمل نہ کیا گیا تو سائل تینوں مسئول علیہم کے علاوہ پبلک سروس کمیشن کے خلاف بھی اینٹی کرپشن اور صوبائی محتسب کو درخواستیں دینے پر مجبور ہو جائے گا۔

لھٰذا استدعا ہے کہ مندرجہ بالا حقائق کو مدنظر رکھتے ہوئے پبلک سروس کمیشن، ڈائریکٹوریٹ آف ایلیمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخوا پشاور کو تینوں مسئول علیہم کی بھیجی گئی "Recommendation" واپس لے لے۔ اور تینوں مسئول علیہم کی جگہ میرٹ لسٹ سے سائل سمیت زون 5 کے رہائشیان کی تعیناتی کی جائے اور ظلم کے مرتکب ذمہ داروں کو قرار واقعی سزا دی جائے۔

المرقوم: 14-10-2014

العبد

ثاقب اللہ خان ولد رفیع اللہ خان، قوم سواتی، ساکنہ محلہ تنولی بالا، بقہ ٹاؤن، ڈاکخانہ بقہ، تحصیل و ضلع مانسہرہ

شناختی کارڈ نمبر: 13503-0383006-9

موبائل نمبر 0345-9544498, 0300-5633356

KPK Public Service Commission
DIARY
14 OCT 2014

...ب ...ن پبلک سروس کمیشن خیبر پختونخوا پشاور

Annex A/1

ثاقب اللہ خان ولد رفیع اللہ خان، قوم سواتی، ساکنہ محلہ تیوال بالا، بفہ ٹاؤن، ڈاکخانہ بفہ، تحصیل وضلع مانسہرہ
موبائل نمبر: 0300-5633356,0345-9544498

بنام

KPK Public Service Commission
07 OCT 2014
5766
DIARY

سید محمود الحسن ولد سید سرور شاہ، ساکنہ ایبٹ آباد، زون 5

عنوان: **ADO کی میرٹ لسٹ میں مسئول علیہ کے نام کی میرٹ آرڈر نمبر 211 اور میرٹ آرڈر نمبر 276 پر یعنی دو دفعہ موجودگی۔**

جناب عالی! درخواست عرض ذیل ہے۔

1) یہ کہ سائل ثاقب اللہ نے مورخہ 30-06-2010 کو اسسٹنٹ ڈسٹرکٹ آفیسر (ADO)، گریڈ-16، محکمہ تعلیم کے لئے انٹرویو وغیرہ میں پاس ہو کر کل نمبرات 58 (انٹرویو 38+دیگر 20) یعنی 58/38 نمبر حاصل کئے۔

مگر مسئول علیہ کی میرٹ لسٹ میں دو دفعہ موجودگی سے سائل کی تعیناتی نہ ہو سکی۔

2) اشتہار 05/2009 میں A.D.O کی کل 241 اسامیوں کی تفصیل درج ذیل ہے۔

Merit=61, Zone 1=40, Zone 2=40, Zone 3=40, Zone 4=30, Zone 5=30

(درخواست ھذا کے ساتھ لف صفحہ نمبر 1 اور صفحہ نمبر 2 ملاحظہ کریں)

3) زون 5 کا آخری منتخب شدہ اُمیدوار رب نواز ولد گل داد خان، سیریل نمبر 279، حاصل کردہ نمبر 58/38، تاریخ پیدائش 15-04-1973 ہے۔

27-10-2014

4) سائل زون 5 کی میرٹ لسٹ میں باقی ماندہ امیدواران میں "Top of the List" ہے۔یعنی سائل سیریل نمبر 281، حاصل کردہ نمبر 58/38 تاریخ پیدائش 14-04-1974 ہے۔

5) یہ کہ A.D.O کی میرٹ لسٹ میں سید محمد احسن ولد سید سرور شاہ، ساکنہ ایبٹ آباد، زون 5 کا نام میرٹ آرڈر نمبر 211 پر بھی موجود ہے اور میرٹ آرڈر نمبر 276 پر بھی موجود ہے۔

6) چونکہ سائل زون 5 کی میرٹ لسٹ میں باقی ماندہ امیدواران میں "Top of the List" اس لئے سید محمود الحسن ولد سید سرور شاہ کا نام میرٹ آرڈر میں دو دفعہ کے بجائے ایک دفعہ لکھنے سے سائل کی تعیناتی ADO کی پوسٹ پر یقینی طور پر ہو جائے گی۔

لہٰذا استدعا ہے کہ سید محمود الحسن ولد سید سرور شاہ کا نام میرٹ لسٹ میں دو دفعہ کے بجائے ایک دفعہ لکھ کر سائل ثاقب اللہ کی تعیناتی ADO کی پوسٹ پر کی جائے۔

المرقوم: 27-10-2014

العبد

ثاقب اللہ خان ولد رفیع اللہ خان، قوم سواتی، ساکنہ محلہ تیتوال بالا، بفہ ٹاؤن، ڈاکخانہ بفہ، تحصیل وضلع مانسہرہ

شناختی کارڈ نمبر: 13503-0383006-9

موبائل نمبر: 0300-5633356,0345-9544498

KPK Public Service Commission
27 OCT 2014
5766
DIARY

KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

OFFICE ORDER

The Competent Authority is pleased to constitute a Committee comprising of the following officers of the Khyber Pakhtunkhwa Public Service Commission to probe into alleged irregularities committed in the recruitment of Assistant District Officer (Male) (BPS-16) advertised vide Advertisement No. 05/2009:-

S#	Name	Designation
1.	Prof. Dr. Sarah Safdar	Member-I
2.	Prof. Dr. Muhammad Faroo , Swati	Member-VII
3.	Mr. Ghulam Dastagir Ahmad	Director Recruitment

TORs of the Committee are as under:-

(I) To examine the complaint of Mr. Saqibullah (Complainant) regarding recommendations of three candidates against the post of Assistant Director (Male) (BPS-16) Advertisement No. 05/2009.

(II) To summon all the three candidates/recommendee's along-with the complainant and hear/interrogate them in detail.

(III) To probe into the alleged involvement of three candidates with Commissions staff and fix responsibility of making wrong recommendations by the Commission's staff, if any.

(IV) To examine the fact as to whether after a lapse of about four years, the Commission can entertain such applications / complaints and make re-allocation in the subject and recommend other candidates from the list or otherwise.

2. If answer to point IV of TORs are in affirmative, then make reallocation in subject and if there is no fault on the part of candidate, they may be adjusted against the posts reserved for Zone-III, wrongly recommended to the Government for appointment against the seats reserved for Zone-V. Moreover, fresh allocation/ recommendations of candidates belonging to Zone-III and V be made accordingly.

3. The Committee shall submit its report before 15th April 2015.

Sd/-
CHAIRMAN
PSC

No.KP/PSC/Admn/GF-319/ 12440-45 Dated: 10/03/2015

Copy to:-

1. PS to Chairman, Khyber Pakhtunkhwa PSC.
2. PS to Member-I, Khyber Pakhtunkhwa PSC.
3. PS to Member-VII, Khyber Pakhtunkhwa PSC.
4. Director, Recruitment, Khyber Pakhtunkhwa PSC.
5. Deputy Director-II, Khyber Pakhtunkhwa PSC.
6. Office order file, Security Presidium.

Annex

Annex B/1 "12"

1

Submitted that upon verbal direction of the Worthy Chairman, the undersigned has re-checked the application forms and the result of the 240 proposed recommendees for the posts of Assistant District Officers (BPS-16) in Education Department. In the process numerous discrepancies have been noticed, which are as under:-

Category No.1.

Anomalies/discrepancies in the eligibility of the candidates

S.No.	Name of Candidate	Discrepancy	Proposal
1	Abdur Rehman Rashid S/O Inayat Ullah (Zone-4)	The candidate has acquired the degree of B.S. Education in 1993 from University of Puanjab after his intermediate. After that he has done M.Ed in 2006 from Allama Iqbal Open University.	The candidate has done only one Bachelor Degree, which can be counted against either B.Sc or B.Ed. He has done M.Ed in 2006 and from this date onwards his total teaching experience till the closing date of applications i.e 04/07/2009 become about 03 years. He is therefore ineligible for the post.
2	Attaullah Shah S/O Ubaidullah (Zone-3)	The Candidate has done M.A (Business Educations). Whereas the required qualification is B.Ed (General Education)	He is therefore ineligible for the post.
3	Muhammad Zarif S/O Nawaz Ali (Zone-4)	He has done B.S. Education from the Punjab University. He has done M.Ed from AIOU in 2002. But the office has counted his B.S.Ed against both B.Sc and B.Ed, which is wrong.	He may become eligible if his B.S.Ed is taken against B.Sc Degree and his M.Ed against professional qualification i.e B.Ed. Because he has done his M.Ed in 2002 and from that date onwards his teaching experience become 07 years. But this will bring his total marks from 64 to 58.
4	Habibur Rehman S/O Abdur Rehman (Zone-2)	He as per record is a Junior Clerk in the Education Department since 11-04-1996. This experience can neither be counted as Administrative nor teaching experience he was initially rejected for that by the office (P/25). He has then produced a certificate (P/27) showing that he has taught in some school as well.	The whole process seems fishy. Besides, his work of teaching sided by his own work of Junior Clerk renders his both experiences part time, and part time experience as per Regulation-30(1) is not acceptable. He is therefore ineligible.
5	Muhammad Nisar S/O Shah Alam (Zone-1)	He as per record is a Lab. Asstt: in Education Department, which is not a relevant experience. He also has produced a certificate of teaching in some school.	As already stated against Serial No.4, part time experience is not acceptable according to the Regulations of the Commission He is therefore ineligible for the post.
6	Waliur Rehman S/O Fojoun Khan (Zone-3)	He has crossed the column-16 of his application form regarding service / experience. But has produced a hand written certificate from some private school showing him to have been teaching since 01/6/2000.	No investigation has been made in the case. The candidate may therefore be questioned regarding the contradiction.

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7	Shamsul Islam S/O Niaz Muhammad (Zone-2)	He has clearly written N.A in the Column-16 regarding experience / Service. But afterwards has produced certificate of teaching allegedly from private schools.	No investigation has been made in the case. The candidate may therefore be questioned formally regarding the contradictions and the case be decided on merit.
8	Wisal Muhammad S/O Dost Muhammad (Zone-2)	The candidate has claimed the following experiences in the column-16. i) Lecturer from May 2003 to date. ii) Lecturer in Hira Modle School from Jan-2001 to date. iii) CMS in the National Commission for Human Rights from 07-July 2006 to 31-Aug 2006	The experience is full of Contradictions, but no investigation has been made by the office. Proper inquiry of facts may be made and the case be decided on merit.
9	Qadir Shah S/O Sahib Shah (Zone-4)	He has claimed / produced contradictory certificates of teaching in Private School / Colleges	No clarification has been made by the office. The candidate may be questioned formally for the same, and the case be decided on merit.
10	Hayat Khan S/O Nazeef Khan (Zone-2)	He has done his B.Ed on 17/02/2004. He has therefore a bear experience of 5 years after B.Ed. But he has also been a student of M.Ed in 2009 in the Kohat University, though there is no proof of his M.Ed	Proof of his M.Ed has not been called for therefore it is not clear whether he has done his M.Ed in Morning session or Evening. The degree of his M.Ed may be called in order to know the above facts. Because if he has done his M.Ed Regular (Morning) then one year shall be deducted from his experience which will render him ineligible for the post.
11	Adil Muhammad S/O Ghani Muhammad (Zone-2)	He has claimed / produced experience from 05/01/2005 till last date in Fauji Foundation Modle School. He also has claimed experience in some private school from 2003 to 2004, though no proof has been produced thereof.	The second experience seems to be recorded afterwards, because the pen used for this is different altogether. The candidate may be questioned formally and the case be decided on merit.
12	Sange Faris S/O Malook (Zone-1)	He has claimed to be working as Principal in some Private School since 1995 but at the same time he has done B.Ed in 2001 and also M.Ed in 2003 both from the Peshawar University i.e as a regular studen .	There is clear-cut contradiction between his experience as Principal and his being a student of B.Ed and M.Ed in Peshawar University simultaneously. Clarification may be asked from the candidate and the case be decided on merit.
13	Mumtaz Ahmad S/O Muhammad Afzal Khan (Zone-5)	The candidate as per his B.A degree and D.M.C (P/10 & 11) respectively is holder of third division passed in 1989. Whereas the requirement is at least Second Division. But after his relaxation he has produced a ... M.C (P/23) which shows ... B.A in second ... the same subjects	The candidate has done his M.A Urdu in 1995 from the same University (Peshawar). It is surprising that how the candidate was allowed to improve his B.A marks after passing his M.A from the same University. Verification of facts may however be made before deciding the case.

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14	Riaz Khan S/O Mir Zali Khan (Zone-4)	He has claimed his service as Primary School Teacher in Education Deptt: from 23/04/1996 till date. But on the other hand he has also claimed to be working as Lecturer Physical Education in some private school from 01/08/2003 till date.	Since there is contradiction in both the claimed experiences, clarification may be asked from the candidate.
15	Saeed Ahmad S/O Haji Dilbar Khan (Zone-3)	He has per claim is Primary School Teacher in Education Deptt: since 23/04/1998. But he has also claimed to have worked in the private school from 01/01/1999 to 30/12/1995. However he has also claimed to have worked in NGO Human Resources & Admn: from 26/07/2001 to 03/07/2002.	Since there is contradiction between his last two experiences, clarification of the candidate may be asked and the case be decided accordingly.

Category No.2:

Anomalies/discrepancies in awarding Academic and Experience marks.

It is important to point out that according to Regulation-29(k):-

"Five marks reserved for additional qualifications shall be awarded at the rate of one or two marks respectively for every additional relevant Diploma or Degree. In the case of Diploma acquired after the minimum qualification one mark will be awarded while in the case of relevant degree two marks shall be awarded for Doctorate of Philosophy (Ph.D) and equivalent qualifications, three marks shall be awarded."

However the concerned office has totally ignored the contents / spirit of the above regulation, and has awarded marks for additional qualifications acquired before the minimum qualifications for the post i.e B.Ed. This violation of rules has marred the whole merit list. Most of the following discrepancies are due to the above mentioned fact.

Volume No.1

S.No	Page No.	Candidate at Serial No.	Marks	Discrepancy	Proposal
1.	47	05	59	1) Wrong awarding of two additional marks for M.A English, done before B.Ed. 2) Experience marks become nil awarded one.	Three marks may be deducted and total be recorded as 56.
2.	62	09	61	Wrong awarding of two additional marks for M.A Islamiyat, done before B.Ed.	Two marks may be deducted and total be recorded as 59.
3.	95	01	59	Wrong awarding of two additional marks for M.A English, done before B.Ed.	Two marks may be deducted and total be recorded as 57.
4.	110	04	65	Wrong awarding of four additional marks for M.A Islamiyat & M.A Pol: Sc, done before B.Ed.	Four marks may be deducted and total be recorded as 61.

5-	111	08	60	Wrong awarding of two additional marks for M.A Islamiyat, done before B.Ed.	Two marks may be deducted and total be recorded as 58.
6-	192	05	61	Wrong awarding of two additional marks for M.Sc Maths, done before B.Ed.	Two marks may be deducted and total be recorded as 59.
7-	214	09	61	Wrong awarding of two additional marks for M.A Arabic, done before B.Ed.	Two marks may be deducted and total be recorded as 59.
8-	269	05	60	Wrong awarding of two additional marks for M.Sc, done before B.Ed.	Two marks may be deducted and total be recorded as 58.
9-	277	03	62	1) Wrong awarding of two additional marks for M.A Islamiyat, done before B.Ed. 2) Three Extra Marks for Experience.	Five marks may be deducted and total be recorded as 57.
10-	278	04	61	Wrong awarding of two additional marks for M.A Islamiyat, done before B.Ed.	Two marks may be deducted and total be recorded as 59
11-	281	03	61	Wrong awarding of two additional marks for M.A Pol: Science, done before B.Ed.	Two marks may be deducted and total be recorded as 59.
12-	307	01	58	No additional marks given for M.Ed	One Mark may be added and total be recorded as 59.
13-	333	03	61	Wrong awarding of two additional marks for M.A English, done before B.Ed.	Two marks may be deducted and total be recorded as 59.
14-	364	01	64	Experience marks becomes 06 but awarded 05	One marks may be added and total be recorded as 65
15-	413	01	61	F.Sc in-parts.	One marks may be deducted and total be recorded as 60.
16-	415	09	61	Wrong awarding of two additional marks for M.A English, done before B.Ed.	Two marks may be deducted and total be recorded as 59.
17-	468	09	59	Wrong awarding of two additional marks for M.A History, done before B.Ed.	Two marks may be deducted and total be recorded as 57.
18-	479	01	59	3 marks less in Experience.	Three marks may be added and total be recoreded as 62.
19-	5[illegible]	02	60	Wrong awarding of two additional marks for M.A English, done before B.Ed.	Two marks may be deducted and total be recorded as 58.
20.	602	07	62	1) B.A in-parts. 2) One mark given for M.Ed, which is done after closing date	Two Mark may be deducted and total be recorded as 60.

21-	585	06	61	1) One mark wrongly given for M.Sc Geography done before B.Ed. 2) One extra mark wrongly given in experience	Two marks may be deducted and total be recorded as 59.
22-	618	01	61	1) Experience marks become nil but awarded 02. 2) Academic marks become 20 but recorded 19.	One mark may be deducted and total be recorded as 60.
23-	627	01	60	Wrong awarding of two additional marks for M.Sc Physics, done before B.Ed.	Two marks may be deducted and total be recorded as 58.
24-	629	10	53	F.Sc in-parts	One Mark may be deducted and total be recorded as 62.
25-	63[illegible]	05	61	Wrong awarding of two additional marks for M.A Pashto, done before B.Ed.	Two marks may be deducted and total be recorded as 59.
26-	663	02	62	Wrong awarding of two additional marks for M.A Pol: Science, done before B.Ed.	Two marks may be deducted and total be recorded as 60.
27-	680	01	61	Wrong awarding of two additional marks for M.Sc Geology, done before B.Ed.	Two marks may be deducted and total be recorded as 59.
28-	689	05	60	Wrong awarding of two additional marks for M.A Journalism, done before B.Ed.	Two marks may be deducted and total be recorded as 58.
29.	717	04	61	Wrong awarding of four additional marks for M.A English & Pol: Sc, done before B.Ed.	Four marks may be deducted and total be recorded as 57.
30.	733	02	60	Wrong awarding of two additional marks for M.Sc Chemistry, done before B.Ed.	Two marks may be deducted and total be recorded as 58.
31.	734	09	62	Wrong awarding of two additional marks for M.Sc Maths, done before B.Ed.	Two marks may be deducted and total be recorded as 60.
32.	763	03	63	F.A in-parts	One mark may be deducted and total be recorded as 62.
33.	764	06	65	M.A (Pol: Sc.) before B.Ed, but no mark awarded for M.Ed. Therefore one mark is to be deducted.	One marks may be deducted and total be recorded as 64.
34.	776	08	60	Wrong awarding of two additional marks for M.A Islamiyat, done before B.Ed.	Two marks may be deducted and total be recorded as 58.

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35-		04	63	One marks given less in Experience	One marks may be added and total be recorded as 64.
36-	1	11	63	1) B.Ed in-parts. 2) One extra mark in additional Qualification.	Two marks may be deducted and total be recorded as 61.
37-	II				
38-	)	06	63	1) Wrong awarding of two additional marks for M.Sc Chemistry, done before B.Ed. 2) F.Sc Marks Improved	Three marks may be deducted and total be recorded as 60.
39	:0	09	65	Wrong awarding of two additional marks for M.Sc Comp: Sc, done before B.Ed.	Two marks may be deducted and total be recorded as 63.
40-	51	03	58	Wrong awarding of two additional marks for M.Sc Maths, done before B.Ed.	Two marks may be deducted and total be recorded as 56.
41-	53	10	65	Wrong awarding of two additional marks for M.A Pol: Sc, done before B.Ed.	Two marks may be deducted and total be recorded as 63.
42	57	06	61	Wrong awarding of two additional marks for M.Sc Envir: Sc, done before M.A.Ed.	Two marks may be deducted and total be recorded as 59.
43-	92	08	61	Wrong awarding of two additional marks for M.A Pol: Science, done before B.Ed.	Two marks may be deducted and total be recorded as 59.
44-	114	09	64	Wrong awarding of two additional marks for M.A Pashto, done before B.Ed.	Two marks may be deducted and total be recorded as 62.
45-	173	02	68	One extra marks given in experience	One mark may be deducted and total be recorded as 67.
46-	185	05	66	Wrong awarding of two additional marks for M.A Islamiyat, done before B.Ed.	Two marks may be deducted and total be recorded as 64.
47-	251	01	59	Wrong awarding of two additional marks for M.A English, done before B.Ed.	Two marks may be deducted and total be recorded as 57.
48-	257	01	59	Wrong awarding of two additional marks for M.A Islamiyat, done before B.Ed.	Two marks may be deducted and total be recorded as 57.
49	258	07	65	Wrong awarding of two additional marks for M.Sc Maths, done before B.Ed.	Two marks may be deducted and total be recorded as 63.
50-	267	03	61	1) One mark given less in Academic Qualification.	Correction may be made and total recorded as 58.

50.	283	01	60	Wrong awarding of two additional marks for M.A Islamiyat, done before B.Ed.	Two marks may be deducted and total be recorded as 58.
51.	305	03	61	Wrong awarding of two additional marks for M.Sc Economics, done before B.Ed.	Two marks may be deducted and total be recorded as 59.
52.	327	01	63	Wrong awarding of two additional marks for M.A Pol: Sc, done before B.Ed.	Two marks may be deducted and total be recorded as 61.
53.	332	05	60	Wrong awarding of two additional marks for M.Sc Envir: Sc, done before B.Ed.	Two marks may be deducted and total be recorded as 58.
54.	333	09	60	Wrong awarding of two additional marks for M.A Islamiyat, done before B.Ed.	Two marks may be deducted and total be recorded as 58.
55.	349	08	63	Wrong awarding of two additional marks for M.A Pak: Study, done before B.Ed.	Two marks may be deducted and total be recorded as 61.
56.	365	04	62	Wrong awarding of two additional marks for M.A Pashto, done before B.Ed.	Two marks may be deducted and total be recorded as 60.
57.	369	02	61	Wrong awarding of two additional marks for M.A Pol: Sc, done before B.Ed.	Two marks may be deducted and total be recorded as 59.
58.	385	03	61	Wrong awarding of two additional marks for M.A Pashto, done before B.Ed.	Two marks may be deducted and total be recorded as 59.
59.	402	05	60	Wrong awarding of two additional marks for M.A History, done before B.Ed.	Two marks may be deducted and total be recorded as 58.
60.	427	03	61	F.Sc in Autumn	One mark may be deducted and total be recorded as 60.
61.	429	4	60	Wrong awarding of two additional marks for M.A Pak: Study, done before B.Ed.	Two marks may be deducted and total be recorded as 58.
62.	443	05	61	Wrong awarding of two additional marks for M.A Pashto, done before B.Ed.	Two marks may be deducted and total be recorded as 59.
63.	454	09	60	Wrong awarding of two additional marks for M.Sc Pak: Study, done before B.Ed.	Two marks may be deducted and total be recorded as 58.
64.	481	05	63	Academic becomes 12, but recorded 16	Four marks may be deducted and total be recorded as 59.
65.	492	06	61	B.Ed Autumn	One mark may be deducted and total be recorded as 60.
66.	509	09	63	Wrong awarding of two additional marks for M.Sc. Comp: Sc, done before	Two marks may be deducted and total be recorded as 61.

67.	525	07	60	Wrong awarding of two additional marks for M.A Islamiyat, done before B.Ed.	Two marks may be deducted and total be recorded as 58.
68.	560	03	70	M.Sc Chemistry before B.Ed.	Two marks may be deducted and total be recorded as 68.
69.	567	01	60	Wrong awarding of two additional marks for M.A Pol: Sc, done before B.Ed.	Two marks may be deducted and total be recorded as 58.
70.	580	06	67	Wrong awarding of two additional marks for M.B.A, done before B.Ed.	Two marks may be deducted and total be recorded as 65.
71.	581	11	60	One marks given extra in Experience	One mark may be deducted and total be recorded as 59.
72.	601	12	60	Wrong awarding of two additional marks for M.A Pashto, done before B.Ed.	Two marks may be deducted and total be recorded as 58.
73.	607	08	62	Wrong awarding of two additional marks for M.A Pol: Sc, done before B.Ed.	Two marks may be deducted and total be recorded as 60.
74.	617	05	65	Wrong awarding of two additional marks for M.Sc Maths, done before B.Ed.	Two marks may be deducted and total be recorded as 63.
75.	619	13	60	Wrong awarding of two additional marks for M.A Pol: Sc, done before B.Ed.	Two marks may be deducted and total be recorded as 58.
76.	623	06	66	Wrong awarding of two additional marks for M.A Pol: Sc, done before B.Ed.	Two marks may be deducted and total be recorded as 64.
77.	628	04	62	1) Wrong awarding of two additional marks for M.A English, done before B.Ed. 2) Total becomes 61, but recorded 62.	Three marks may be deducted and total be recorded as 59.
78.	645	11	69	Wrong awarding of two additional marks for B.Sc & M.Sc (Hons)Agriculture, done before B.Ed.	Four marks may be deducted and total be recorded as 65.
79.	645	10	65	Total becomes 66, but recorded 65.	Total marks = 66
80.	648	04	62	Wrong awarding of two additional marks for M.A English, done before B.Ed.	Two marks may be deducted and total be recorded as 60.
81.	663	12	64	Wrong awarding of two additional marks for M.A English, done before B.Ed.	Two marks may be deducted and total be recorded as 62.
82.	679	01	69	1) Wrong awarding of two additional marks for M.A Enlish, done before B.Ed. 2) Experience marks become 01 but recorded 06.	Seven marks may be deducted and total be recorded as 62.
83.	681	10	64	Does not deserve experience marks but	Two marks may be deducted and total be

	84	03	63	Wrong awarding of two additional marks for M.Sc Agriculture, done before B.Ed.	Two marks may be deducted and total be recorded as 61.
	718	04	68	Wrong awarding of two additional marks for M.Sc Stats, done before B.Ed.	Two marks may be deducted and total be recorded as 66.
	741	10	62	Wrong awarding of two additional marks for M.A English & Diploma in English done before B.Ed.	Three marks may be deducted and total be recorded as 59.
	745	05	64	Wrong awarding of two additional marks for M.A Urdu, done before B.Ed.	Two marks may be deducted and total be recorded as 62.
	751	08	60	Wrong awarding of two additional marks for M.Sc, done before B.Ed.	Two marks may be deducted and total be recorded as 58.
	766	04	60	Wrong awarding of two additional marks for M.A Pashto, done before B.Ed.	Two marks may be deducted and total be recorded as 58.

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	04	08	60	No marks given for M.Sc Maths done after B.Ed. But One mark given extra in Experience.	One mark may be added and total be recorded as 61.
	44	13	66	Wrong awarding of two additional marks for M.P.A done before B.Ed.	Two marks may be deducted and total be recorded as 64.
	44	14	60	Experience marks becomes 02 but awarded 01	One mark may be added and total be recorded as 61.
3.	58	03	61	Wrong awarding of two additional marks for LL.B done before B.Ed.	Two marks may be deducted and total be recorded as 59.
4.	59	05	66	Wrong awarding of two additional marks for M.A Islamiyat, done before B.Ed.	Two marks may be deducted and total be recorded as 64.
5.	75	02	62	Wrong awarding of two additional marks for M.A Islamiyat done before B.Ed.	Two marks may be deducted and total be recorded as 60.
6.	76	07	64	Wrong awarding of two additional marks for M.A Urdu done before B.Ed.	Two marks may be deducted and total be recorded as 62.
7.	79	04	60	Wrong awarding of two additional marks for M.Sc Electronic done before B.Ed.	Two marks may be deducted and total be recorded as 58.
8.	98	03	58	Experience marks become one but recorded two.	One mark may be deducted and total be recorded as 57
9.	102	04	61	Experience marks becomes 01 but award 04	Three marks may be deducted and total be recorded as 58.
0.	119	02	62	Wrong awarding of two additional marks for M.Sc.	Two marks may be deducted and total be

ATTESTED

101.	135		64	Wrong awarding of two additional marks for M.Sc Chemistry done before B.Ed.	Two marks may be deducted and total be recorded as 62.
102.	136	07	66	Wrong awarding of two additional marks for M.A Pashto done before B.Ed.	Two marks may be deducted and total be recorded as 64.
103.	151	02	60	Wrong awarding of two additional marks for M.Sc Chemistry done before B.Ed.	Two marks may be deducted and total be recorded as 58.
104.	152	08	62	Academic marks becomes 13 but recorded 14	One marks may be deducted and total be recorded as 61.
105.	152	09	64	Wrong awarding of two additional marks for M.Sc Maths done before B.Ed.	Two marks may be deducted and total be recorded as 62.
106.	182	06	63	1) Wrong awarding of two additional marks for M.A Pashto done before B.Ed. 2) Only one mark given for M.A History.	One marks may be deducted and total be recorded as 62.
107.	250	05	64	Wrong awarding of two additional marks for M.A. Pol: Sc. done before B.Ed.	Two marks may be deducted and total be recorded as 62.
108.	250	07	65	1) Wrong awarding of two additional marks for M.Sc. Psychology done before B.Ed. 2) No mark given for M.Ed	One marks may be deducted and total be recorded as 64.
109.	291	07	62	Wrong awarding of two additional marks for M.A. Pashto done before B.Ed.	Two marks may be deducted and total be recorded as 60.
110.	296	05	60	Wrong awarding of two additional marks for M.A. History done before M.A. Ed.	Two marks may be deducted and total be recorded as 58.
111.	296	09	60	Wrong awarding of two additional marks for M.A. Islamiyat done before B.Ed.	Two marks may be deducted and total be recorded as 58.
112.	300	04	63	Wrong awarding of two additional marks for M.A. History done before B.Ed.	Two marks may be deducted and total be recorded as 61.
113.	320	05	65	Experience becomes 06 but awarded 03	Three marks may be added and total be recorded as 68.
114.	320	08	62	Wrong awarding of one additional marks for M.A. English done before B.Ed.	One marks may be deducted and total be recorded as 61.
115.	320	09	66	Wrong awarding of two additional marks for M.A. I.R. done before B.Ed.	Two marks may be deducted and total be recorded as 64.
116.	321	12	60	Academic marks become	One mark may be

117.	340	04	61	Wrong awarding of two additional marks for M.A. Pak: Study done before B.Ed.	Two marks may be deducted and total be recorded as 59.
118.	341	05	60	Wrong awarding of two additional marks for M.A. Urdu done before B.Ed.	Two marks may be deducted and total be recorded as 58.
119.	341	06	66	Wrong awarding of two additional marks for M.A. Pak: Study done before B.Ed.	Two marks may be deducted and total be recorded as 64.
120.	342	13	63	1) Wrong awarding of two additional marks for M.A. English done before B.Ed. 2) One mark given less in experience.	One marks may be deducted and total be recorded as 62.
121.	353	02	62	Wrong awarding of two additional marks for M.Sc. HPE done before B.Ed.	Two marks may be deducted and total be recorded as 60.
122.	353	03	69	Wrong awarding of two additional marks for M.A. Islamiyat done before B.Ed.	Two marks may be deducted and total be recorded as 67.
123.	374	04	61	Wrong awarding of two additional marks for M.A. Pashto done before B.Ed.	Two marks may be deducted and total be recorded as 59.
124.	386	12	62	No. M.Ed but one mark given	One mark may be deducted and total be recorded as 61.
125.	394	02	64	Wrong awarding of two additional marks for M.A. Pol: Sc. done before B.Ed. No Proof of M.A Economics	Four marks may be deducted and total be recorded as 60.
126.	396	10	60	Wrong awarding of two additional marks for M.A. Pol: Sc. done before B.Ed.	Two marks may be deducted and total be recorded as 58.
127.	411	12	62	Wrong awarding of two additional marks for M.P.A done before B.Ed.	Two marks may be deducted and total be recorded as 60.
128.	415	03	61	Wrong awarding of two additional marks for M.A. English done before B.Ed.	Two marks may be deducted and total be recorded as 59.
129.	427	06	68	M.Ed (R) but no deduction made in experience.	One mark may be deducted and total be recorded as 67.
130.	427	07	62	Experience marks becomes 06 but recorded 09	Three marks may be deducted and total be recorded as 59
131.	441	02	62	No marks give for M.Ed Private	One mark may be added and total be recorded as 63.
132.	442	06	61	Experience marks become two but recorded one.	One mark may be added and total be recorded as 62.

ATTESTED

133.	443	10	60	Wrong awarding of two additional marks for M.A. English done before B.Ed.	Two marks may be deducted and total be recorded as 58.
134.	470	02	61	Wrong awarding of two additional marks for M.A. English done before B.Ed.	Two marks may be deducted and total be recorded as 59.

The office failed to produced the application form / documents of one recommendee namely Fida Muhammad S/O Zarin Muhammad of Zone-I. Therefore the same could not be checked.

Submitted please.

14/12/01

(MUHAMMAD ARSHAD)
Registrar Examinations

CHAIRMAN

Please circulate to Members concerned, who certificate interests

ATTESTED

Annex "C" P-24

(15)

ENQUIRY REPORT

Subject:- PRELIMINARY ENQUIRY TO PROBE INTO THE IRREGULARITIES COMMITTED IN MALE ASSISTANT DISTRICT OFFICERS (BPS-16)

The Chairman KP PSC constituted a committee comprising the following vide Office Order No. KP/ PSC/ Admn/GF-319/012440-45 dated 10.03.2015 (Annex-I): -

1. Prof. Dr Sarah Safdar Member-I, PSC.
2. Prof. Dr Muhammad Farooq Swati Member-VII, PSC.
3. Mr Ghlam Dastagir Ahmed Director Recruitment, PSC.

2. The Committee is required to examine the complaint of Mr Saqibullah (Complainant) regarding alleged wrong recommendations of three candidates from Zone-5 against the post of Male Assistant District Officer (BPS-16) to summon and hear all the three recommendees, to probe into the alleged involvement of the three candidates with Commissions staff and fix responsibility and to examine as to whether after a lapse of about four years, the Commission can entertain such applications/ complaints and make reallocation and fresh recommendations or otherwise.

3. First meeting of the Committee was held on 11.03.2015. Syed Ilyas Shah Deputy Director II was asked to produce applications forms of the three candidates alongwith application of the complainant Mr Saqibullah and complete record of recruitment of ADO BPS-16 advertised in Advertisement No. 5/2009.

4. In the 2nd meeting of the Committee held on 16.03.2015, the applications of the three candidates namely Mr Muhammad Ajmal S/O Jamal ud Din, Mr Sarfaraz S/O Shahabud Din and Mr Shafiq ur Rehman S/O Abdur Rehman and other record were thoroughly checked and the Committee found the following: -

i. In the applications forms / departmental permissions, all the three candidates have clearly mentioned their zone as "Zone-3" but in the descriptive sheets prepared by the concerned officer/ officials for interview, the zone of the three candidates has been reflected as Zone-5(Annex-II, III, IV).

ii. The applications of Mr Ajmal and Mr Sarfaraz were signed only by Mr Rustam Khan the then Superintendent and no orders of eligibility of the Member were obtained.

iii. Application of Mr Shafiq ur Rehman is signed by Mr Amir Ilyas the then Assistant and Mr Masood Zaman the then Deputy

5. Next meeting of the Committee was held on 24.03.2015. Statement Mr Masood Zaman DS, Mr Rustam Khan the then Supdt, Mr Amir Ilyas the then dealing Assistant, Mr Muhammad Shahab the then Sr Clerk/ KPO, Mr Muhammad Sajjad Qureshi the the Supdt were recorded. Statement of the three recommendees were also recorded whereas Mr Saqib Ullah did not attend the enquiry proceedings.

STATEMENT OF MR MASOOD ZAMAN THE THEN DEPUTY SECRETARY:-

6. In his statement at Anne :-VI Mr Masood Zaman has stated that his job description is file work, scrutiny of applications, preparation of result and supervision of his Branches. Eligibility of candidates is done by the Assistant then by the Supdts and is sent to the DS for onwards submission to Director/ Member. Descriptive sheet is prepared by the dealing Assistant. He submits the same to the Supdt. The Supdt submit the same for countersignature to the DS. No file move up without my signature except when I am on leave. On conclusion of interview, the Director or the DS takes the result from Member, makes the calculations, prepare the merit list and allocation is made as per vacancies. The result is signed from dealing Assistant to the Director.

7. During the interviews it was decided that experience may be counted from B.Ed and not BA. There were five panels of interview. The Members had directed that after conclusion of the running interviews, scrutiny may be carried out and the experience be counted after B.Ed. They prepared fresh descriptive sheets as per orders and were handed over to the Members concerned. Due to load of work, he could not signed every descriptive. Before conveying the result, the Chairman had constituted a checking committee. The committee had taken the result and all the original applications of selected candidates. After checking the same, the result and applications were returned.

8. The three candidates in question belonged to District Mansehra (UDA). They were inadvertently considered in Mansehra Zone-5 instead of Mansehra (UDA) Zone-3. The descriptive was not changed but only zone 5 was mistakenly recorded instead of Zone-3. As per orders of the Chairman that the DS concerned will prepare the result, therefore, I with the help of Mr Shahab computer operator prepared the result.

9. He stated that he knows Mr Saqib for the last 3-4 years. He met with Mr Saqib for the last time in the office of Director some 2-3 months ago. When I was DS and the result was prepared, he had given me a cheque of Rs.750,000/- with the request to select him for the post. Photocopy of the said cheque is still with him for proving myself innocent. Mr Saqib had also offered him a Hotel at Abbottabad but he refused him. Mr Saqib had met with him through Mr Muhammad Sajjad Qureshi during the currency of interviews. He has not cashed the cheque till date because he does not takes bribe. The copy has been kept only for record.

STATEMENT OF MR RUSTAM KHAN THE THEN SUPDT: (NOW RETIRED):-

10. In his statement at Annex-VII, Mr Rustam Khan has stated that scrutiny of application forms is done by Assistant and is submitted to the Supdt: and the process completes after approval of Member whereas descriptive sheet for interview is prepared by Assistant, checked by Supdt and checked and countersigned by the Deputy Secretary. We checked everything from application form and then signed the note. Descriptive Sheets of Mr Sarfaraz and Mr Ajmal bear my signature whereas descriptive sheet of Mr Shafiqur Rehman has been signed by Mr Amir Ilyas and Mr Masood Zaman. Experience was first taken from Bachelor Degree. When it was decided to take the experience from B.Ed, the descriptive sheets were prepared by Mr Shahab in the Office of Mr Masood Zaman DS. Mr Masood called him and told that Members are asking for revised descriptive. Please signed the descriptive. Therefore, Mr Shahab printed the descriptive and he signed the same. Some descriptive sheets were signed by Mr Masood alone, some descriptive sheets were given to me for signature, some to Mr Amir Ilyas and some descriptive sheets were unsigned. Result was prepared only by Mr Masood Zaman and Mr Shahab but was signed by Mr Masood and no one else were involved. The recommendations were also sent by Mr Masood. He stated on oath that he neither know the four candidates nor has even seen them.

STATEMENT OF MR AMIR ILYAS SUPDT: -

11. In his statement (Annex-VIII), Mr Muhammad Amir Ilyas the then Assistant has stated that he used to make scrutiny of applications and prepare the descriptive sheets and then submit the same to the Supdt who after checking submit the same to the DS. Submission of applications to panels was done by Mr Masood Zaman. He signed the descriptive sheets which he himself prepared. He has carefully mentioned the correct zones of candidates in descriptive. Though he has signed the revised descriptive sheet, but the applications were lying in the Office of Mr Masood Zaman therefore, he could not check the same with application. Eligibility is done by the Member through a channel. It is possible that approval of the authority in some cases has inadvertently not be obtained. He knows Mr Ajmal, Sarfaraz and Shafiq and does not know Mr Saqibullah. Result is prepared under supervision of Director and he himself sign it. Result has neither been prepared by him nor signed. They may be called so that the case becomes clear. During interviews, he was not pressurized by any Member/ Officer.

STATEMENT OF MR MUHAMMAD SAJJAD QUREHI SUPDT:-

12. In his statement at Annex- IX, Mr Muhammad Sajjad Supdt has stated that He knows Mr Saqibullah who was referred to him by Mr Majid Khan, a Headmaster at Mansehra. He had to enquire about interviews for the post of ADO, therefore, he was sent by someone else and he did not remember that he took him or sent him to the Office of Mr Masood Zaman DS. He does not know any dealing between Saqibullah and Mr Masood Zaman because neither he met him again nor Mr Masood

say something about him. He came to know about this thing about 02 months ago when the matter became known to most of the persons in the office that some dealing of cheque has taken place between Mr Masood and Mr Saqibullah. As far as I remember, he did not receive call for interview. Mr Masood should not take the cheque but he took the same and kept it with him.

STATEMENT OF MR MUHAMMAD SHAHAB ASSISTANT

13. Mr Muhammad Shahab Assistant Recruitment Wing has admitted in his statement at Annex-X that at that time he was Senior Clerk attached with Mr Masood Zaman and was typing descriptive of candidates for 05 panels of interview. The branch Assistant used to provide him application forms of the candidates and he prepared the same from application forms. He used to sit in the Office of Mr Masood Zaman DS and do the work. He had done all the entries after checking and used to give the same printing without alteration. He used to make entries and gave the same to the Assistant / Supdt: who after checking return the same to him for correction or otherwise. He does not know that the wrong entry of the zone of Mr Shafiq, Sarfaraz and Ajmal was committed by him or the Supdt: / Assistant, Result was prepared by him from descriptive in the Office of Mr Masood Zaman which was correct. He does not know how a candidate was twicely interviewed. Visitors used to come to the Office of DS including candidates but he does not know Mr Saqiq. He also does not know about the cheque given by Mr Saqin to Mr Masood.

MR SAQIB ULLAH, CANDIDATE

14. Mr Saqib Ullah the complainant was issued a letter dated 03.04.2015 to attached the enquiry proceedings (Annex-XI) and was telephonically contacted by Syed Ilyas Shah Deputy Director but he refused to come the Commission's Office. Another letter dated 24.04.2015 was issued was issued to Mr Saqib to attend the enquiry proceedings on 17.04.2015 (Annex-XII) but he again refused to attend the proceedings. After that on several occasions it was tried to contact him telephonically but his phone was powered off.

STATEMENTS OF MR SARFARAZ KHAN, MR SHAFIQUR REHMAN AND MR MUHAMMAD AJMAL

15. Mr Sarfaraz Khan, Mr Shafiq ure Rehman and Mr Muhammad Ajmal were also called for personal hearing on 22.04.2015. Their statement were recorded (Annex-XIII XIV & XV). According to their statement no fault lied on their part as they had clearly mentioned their zones (Zone-3) in their applications. They did not conceal anything from

FINDINGS:-

16. From the foregoing the enquiry committee came to the following conclusion: -

i) A number of gross irregularities have been committed by the staff upto the DS in the process of selection of candidates for the posts of ADOs BPS-16 in Elementary and Secondary Education Department, All of them know the legal procedures as reflected in their statements but the procedures were not followed in this case for ulterior motives.

ii) No care was taken into account in the eligibility of candidates. Candidates were made eligible for interview simply with the signature of the Dealing Assistant or Supdt or DS and approval of the competent authority i.e., Member was not obtained. Moreover, proper checking of zones of the three candidates namely Mr Sarfaraz, Mr Ajmal and Mr Shafiqur Rehman was not made for which Mr Masood Zaman DS, Mr Rustam Khan the then Supdt:, Mr Amir Ilyas the then Assistant and Mr Muhammad Shahab the then KPO are equally responsible for the gross irregularities.

iii) Due to the extremely careless attitude of the concerned staff, one candidate was twicely interviewed and was twicely recommended.

iv) The acceptance of cheque amounting to Rs.750,000/- in bribe by Mr Masood Zaman Deputy Secretary from Mr Saqib in return of selecting him for the post of ADO has been proved beyond doubts.

v) Though Mr Muhammad Sajjad Qureshi accepts that he took Mr Saqib to the Office Mr Masood Zaman for enquiry but it is not possible for a candidate to offer bribe directed to an unknown officer. There is an active role of Mr Muhammad Sajjad Qureshi in the offer of bribe by Mr Saqib to Mr Masood.

vi) All the officers/ officials involved in this case also enjoy bad reputation in the Office.

RECOMMENDATIONS:-

17. The Committee, recommends that: -

i) Mr Masood Zaman Deputy Secretary may be dismissed from service.

ii) Mr Amir Ilyas Superintendent, Mr Muhammad Sajjad Qureshi Supdt and Mr Muhammad Shahab Assistant may be removed from service. Show cause notices may be issued to the officials under Rule 5 (a) of the E&D Rules 2011.

(20)

iii) As Mr Rustam Khan the then Supdt; has now retired from service. In his case, opinion of the Establishment Department may be obtained as to what punitive actions can be taken against him after his retirement.

iv) Mr Saqib Ullah may be disqualified from applying to the Commission for ever and his case be referred to the Elementary and Secondary Education Department for taking punitive action against him under the rules. No 7407/14

v) In pursuance of the Supreme Court ~~Decision~~ dated 19.4.14 (Annex-XXI) that if a candidate is mistakenly recommended by the Commission without any fault on his part then he will not be disturbed while proceedings will be initiated against the officials concerned. Since there is no fault on the part of the recommended candidates namely Mr Shafiq ur Rehman, Mr Sarfaraz and Mr Ajmal Khan therefore, their recommendations may not be disturbed and the case of readjustment/ reallocation may not be processed after a lapse of almost five years of the recommendations.

(Ghulam Dastagir Ahmed)
Director Recruitment
Member of the I.C.

02/06/15

(Prof: Dr Muhammad Farooq Swati)
Member PSC
Member of the I.C.

22.6.15

(Prof: Dr Sarmah Safdar)
Member PSC
Chairperson of I.C.

Annex "D" (30)

KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

SHOW CAUSE

I, Sardar Mahtab Ahmad Khan, Governor Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 do hereby serve you Mr. Amir Ilyas Superintendent (BPS-17), the following Show Cause Notice:-

1. (i) that consequent upon the completion of inquiry conducted against you by the inquiry committee comprising of Prof Dr Sarah Safdar Member-I PSC, Prof. Dr. Muhammad Farooq Swati Member-VI PSC and Mr. Ghulam Dastagir Ahmed Director Recruitment PSC for which you were given opportunity of hearing and recording of your written statement on 02.04.2015.

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

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

(a) Gross irregularities have been committed by you in the process of selection of candidates for the posts of ADOs (Male) BPS-16 in Elementary & Secondary Education Department.

(b) Legal procedures were not followed in the selection process of ADOs for ulterior motives.

(c) No care was taken into account in the eligibility of the candidates. Candidates were declared eligible for interview with the approval of the dealing Assistant or Superintendent or Deputy Secretary and order of the competent authority was not obtained.

(d) Documents / Zones of three candidates namely Mr. Muhammad Ajmal S/O Jamal Uddin, Mr. Sarfaraz Khan S/O Shahab Uddin and Mr. Shafiq-ur-Rehman S/O Abdur Rehman were not properly checked and they were recommended against the seats reserved for Zone-V, although they had clearly mentioned / attached domiciles of Zone-III with their application forms. By doing so, three candidates hailing from Zone-V were deprived from their legitimate right of selection.

(e) Due to careless and lethargic attitude, one candidate was interviewed twice and his name was twicely reflected in the merit list.

(f) You also enjoy bad reputation in the office.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Removal from Service under Rule 4(b) of the said rules.

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

4. If no reply to this notice is received within 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.

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

FINDINGS:-

16. From the foregoing the enquiry committee came to the following conclusion: -

i) A number of gross irregularities have been committed by the staff upto the DS in the process of selection of candidates for the posts of ADOs BPS-16 in Elementary and Secondary Education Department. All of them know the legal procedures as reflected in their statements but the procedures were not followed in this case for ulterior motives.

ii) No care was taken into account in the eligibility of candidates. Candidates were made eligible for interview simply with the signature of the Dealing Assistant or Supdt or DS and approval of the competent authority i.e., Member was not obtained. Moreover, proper checking of zones of the three candidates namely Mr Sarfaraz, Mr Ajmal and Mr Shafiqur Rehman was not made for which Mr Masood Zaman DS, Mr Rustam Khan the then Supdt., Mr Amir Ilyas the then Assistant and Mr Muhammad Shahab the then KPO are equally responsible for the gross irregularities.

iii) Due to the extremely careless attitude of the concerned staff, one candidate was twicely interviewed and was twicely recommended.

iv) The acceptance of cheque amounting to Rs.750,000/- in bribe by Mr Masood Zaman Deputy Secretary from Mr. Saqib in return of selecting him for the post of ADO has been proved beyond doubt.

v) Though Mr Muhammad Sajjad Qureshi accepts that he took Mr Saqib to the Office Mr Masood Zaman for enquiry but it is not possible for a candidate to offer bribe directed to an unknown officer. There is an active role of Mr Muhammad Sajjad Qureshi in the offer of bribe by Mr Saqib to Mr Masood.

vi) All the officers/ officials involved in this case also enjoy bad reputation in the Office.

RECOMMENDATIONS:-

17. The Committee, recommends that: -

i) Mr Masood Zaman Deputy Secretary may be dismissed from service.

ii) Mr Amir Ilyas Superintendent, Mr Muhammad Sajjad Qureshi Supdt and Mr Muhammad Shahab Assistant may be removed from service. Show cause notices may be issued to the officials under Rule 5 (a) of the E&D Rules 2011.

iii) As Mr Rustam Khan the then Supdt; has now retired from service. In his case, opinion of the Establishment Department may be obtained as to what punitive actions can be taken against him after his retirement.

iv) Mr. Saqib Ullah may be disqualified from applying to the Commission for ever and his case be referred to the Elementary and Secondary Education Department for taking punitive action against him under the rules.

v) In pursuance of the Supreme Court ~~Decision~~ dated 19.4.16 No 7407/16 (**Annex-XVI**) that if a candidate is mistakenly recommended by the Commission without any fault on his part then he will not be disturbed while proceedings will be initiated against the officials concerned. Since there is no fault on the part of the recommended candidates namely Mr Shafiq ur Rehman, Mr Sarfaraz and Mr Ajmal Khan therefore, their recommendations may not be disturbed and the case of readjustment/ reallocation may not be processed after a lapse of almost five years of the recommendations.

(Ghulam Dastagir Ahmed)
Director Recruitment
Member of the I.C.

(Prof: Dr Muhammad Farooq Swati)
Member PSC
Member of the I.C.

(Prof: Dr Sarrah Safdar)
Member PSC
Chairperson of I.C.

Annex D/1

F 33

03 FEB 2016

DIARY NO 932

The Honorable Governor,
Khyber Pakhtunkhwa Peshawar,
Competent Authority.

gh: Proper Channel.

ect:- APPEAL AGAINST OFFICE NOTIFICATION NO. KP/PSC/ADMIN/GF-521/978-84 DATED 15-01-2016 OF THE CHAIRMAN PSC, PESHAWAR WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE WAS IMPOSED FOR NO LEGAL REASON.

spectfully sir,

1. That appellant was initially appointed as junior clerk on 05-04-1981 and was promoted to the post of senior clerk in the year, 2004. Similarly he was promoted to the post of the assistant in the year, 2007 and thereafter on brilliant performances, was further promoted to the post of superintendent (B-17).

2. That in the year, 2010 the Commission advertised numerous posts for various disciplines including posts of Assistant District Officer Male (B-16) numbering 260 in Elementary and Secondary Education Department.

3. That all most all 3000 candidates applied for selection from all parts of the province and to scrutinize the application for the posts and to take interview, 8/9 months took place in finalization of the process.

4. That at the relevant time, appellant was performing his duties as Assistant and checked and scrutinize all the applications as per requirements and submitted the same before the superintended and Deputy Secretary of the Commission. No irregularity or illegality was committed on the part of the appellant.

5. That any how appellant was served with show cause notice on 24-11-2015 but such allegation were totally false and absolutely incorrect by submitting reply to the same on 28-11-2015. (copy enclosed)

6. That perhaps inquiry in to the matter was initiated but the same was not conducted as per the mandate of law as neither any statement of any witness(s) was recorded in presence of appellant nor he was afforded opportunity of cross examination, yet report was submitted to the authority, recommending appellant for imposition of major penalty of removal from service.

7. That it was mandatory for the authority to serve appellant with final show cause notice with supply of full-fledged copy of the enquiry proceedings but deviation was made from the law and he was even not provided opportunity of personal hearing and self defence.

8. That on 15.01.2016, major penalty of removal from service was imposed upon the appellant by my Honour without sensing the job description of the appellant as at the same time appellant was Assistant PSC and not the Superintendent.

9. That the matter was very old pertaining to the year, 2010 and the cases/files of the candidates were processed in numerous section of the Commission and the proceedings are the result of malefide.

10. That appellant has in his credit 3[illegible] years unblemished service record and this long service record was not kept in mind and major penalty was imposed upon him.

11. That keeping in view the facts and circumstances of the case, the punishment is very harsh and does not commensurate with the guilt, if any such harsh punishment is based on ulterior motive.

It is , therefore, most humbly requested that order dated 15.01.2016 be reviewed by setting aside the same and appellant be reinstated in service with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

Appellant

(Amir Ilyas)
EX-Superintendent
KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION

Dated: 02/02/2016

Annex "E"

35

KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

NOTIFICATION

No.KP/PSC/Admn/GF-521/_____Mr. Amir Ilyas Superintendent (BPS-17) (thereinafter referred to as accused) Khyber Pakhtunkhwa Public Service Commission was proceeded against under the Khyber Pakhtunkhwa Government Servant (E&D) Rules, 2011 on account of irregularities committed in the selection process of Assistant District Officer (Male) (BPS-16) in Elementary and Secondary Education Department advertised vide Public Service Commission Advertisement No.05/2009; and

WHEREAS, an inquiry Committee, consisting of Member-I, Member-VI and Director Recruitment Khyber Pakhtunkhwa Public Service Commission was constituted; and

WHEREAS, the inquiry committee after having examined the charges, evidence on record and explanation of the accused officer, submitted its report wherein imposition of major penalty of removal from service was recommended; and

WHEREAS, show cause notice was served upon the accused officer in pursuance of Rule-5 (1) (a) of Khyber Pakhtunkhwa Government Servant Efficiency and Discipline Rules, 2011 conveying therein tentative decision of Removal from service; and

WHEREAS, the accused officer was provided an opportunity of personal hearing by the Competent Authority on 07.01.2016 to defend himself. The accused officer during the personal hearing reiterated his previous stance and failed to defend himself and did not add any new fact; Now

THEREFORE, the Governor Khyber Pakhtunkhwa being Competent Authority, in exercise of powers conferred upon him under Rule 4 (b) of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 has decided to confirm tentative major penalty of **Removal from Service** of Khyber Pakhtunkhwa Public Service Commission

Pursuant to the above, Mr. Amir Ilyas Superintendent (BPS-17) Khyber Pakhtunkhwa Public Service Commission stands removed from the service of Khyber Pakhtunkhwa Public Service Commission with immediate effect.

Sd/-
CHAIRMAN PSC
Dated: 15/1/16

No.KP/PSC/Admn/GF-521/1978-84

Copy forwarded to:-

1. Secretary to Governor Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Accountant General, Khyber Pakhtunkhwa Peshawar.
4. PS to Chief Secretary, Khyber Pakhtunkhwa.
5. PS to Secretary Establishment, Khyber Pakhtunkhwa.
6. **Mr. Amir Ilyas Superintendent, Address: PO Yaghi Band Miana, Tehsil & Distt: Peshawar.**
7. Personal file of officer concerned.
8. Office Order file.

SECRETARY
PSC

order Received on 18-01-2016
at 01.15 pm.

Annex "F"

36

1

To

The Honorable Governor,
Khyber Pakhtunkhwa Peshawar,
Competent Authority.

Through: **Proper Channel.**

Subject:- **REVIEW PETIRION AGAINST THE ORDER NO.KPK/PSC/ADMN/GF-521/978-84 dated 15.01.2016 WHERE BY PANALYY OF REMOVAL FROM SERVICE IMPOSED UPON THE PETIONER**

Respected Sir,

Please refer to your order No.KPK/PSC/ADMN.09188/GF-521/978-84 dated 15.01.2016 the subject noted above

1. That the petitioner is serving in Khyber Pakhtunkhawa Public Service Commission as a Superintendent (BPS-17) with due diligence and with entire satisfaction of his superiors.

2. The petitioner was served Notice upon him vide no.KPK/PSC?Admn.091056 dated 22.07.2015 all (Copy enclosed). The following charges were reveled upon the petitioner.

   a) Gross Irregularities have been committed by you in the process of selection of candidates for the posts of ADOs (Male) BPS-16) in Elementary & Secondary Education Department.

   b) Legal procedures were not followed in the selection process of ADOs for ulterior motives.

   c) No care was taken into account in the eligibility of the candidates. Candidates were declared eligible for interview with the approval of the dealing Assistant or Superintendent or Deputy Secretary and order of the Competent Authority was not obtained.

   d) Documents Zones of three candidates namely Mr Muhammad Ajmal S/O Jamal Uddin, Mr Sarfaraz Khan S/O Shahab Uddin and Mr Shafiq ur Rehman S/O Abdur Rehman were not properly checked and they were recommended against the seats reserved for Zone-V, although they had clearly mentioned attached domiciles of Zone-III with their application forms. By doing so, three candidates hailing from Zone-V were deprived from their lethargic right of Selection.

   e) Due to careless and lethargic attitude, one candidate was interviewed twice and his name was twice reflected in the merit list.

   f) You also enjoy bad reputation in the Office.

3. That the petitioner participated is enquiry proceeding. However, it is very necessary o reproduce, here the Para wise reply of above charge.

   a) That I have been charged for committing gross irregularities in the process of Elementary and Secondary Education Department. In this regard it is submitted that the inquiry committee has not listed specific cases where I have committed,gross irregularities.

   Moreover, there were thousands of applications which were processed by the branches and there might have occurred some mistakes which were detected by the branch

concerned and corrected accordingly. Therefore, undetected official mistakes cannot be termed gross irregularities.

b) The charge that legal procedures were not followed in the selection process of ADOs for ulterior motives is not correct. This charge is quite unspecified because the facts finding committee has not mentioned that in which cases I have deviated from the legal procedures.

Moreover, it has also not been clarified that which one was the ulterior motive in processing the selection file of ADOs because office has no discretion which may lead to ulterior motives for the candidates. As regards eligibility of Mr. Shafiq ur Rehman is concerned that was correctly scrutinized and his eligibility was made on Zone-3 (Vide Annex A).

c) That I have also been charged that no care was taken into account in the eligibility of the candidates. The candidates were declared eligible without obtaining the orders of the Competent Authority. In this regard it is submitted that the interviews of the Male/Female ADOs were processed in Nine (9) Panels. In addition to this heavy workload our one branch was also feeding Two Panels in the interviews of the Subject Specialists in Elementary & Secondary Education Department. In the overall our two branches were feeding the Eleven Panels. In order to cope with abnormal heavy workload the Members of the Commission had verbally ordered that if the candidates are prima facia found eligible by the branch concerned their files may not be sent for orders of the Members as the process will delay the interviews and the office will not be able to feed the nine (9) panels for ADOs and two panels for the Subject Specialist interviews. It was also verbally told that the interviewing panels will check the eligibility of the candidates during the interview and if any discrepancy is noticed it will be rectified accordingly. Therefore, this charge is not valid. As regards eligibility of Mr. Shafiq ur Rehman that was correctly scrutinized and his zone was recorded on his application as zone – III (Annex A) .In case, there were some procedural deviations for eligibility of the candidates the then interviewing panels had returned the interview papers and had not interviewed the candidate unless everything was completed in accordance with the procedures. Acceptance of file by the interviewing panels without any objection vindicates our position with regard to processing of the cases.

d) (1) That the facts finding committee has charged me that the documents of zone-3 candidates namely Mr Muhammad Ajmal S/O Jamal ud din , Mr Sarfaraz Khan S/O Shahab Uddin and Mr Shafiq ur Rehman S/O Abdur Rehman were not properly checked and they were recommended against Zone-V instead of Zone-3..

(2) it worth to mention that I have scrutinized these three application forms against zone -3 and forward/ marked to SR-I but he did not pass on to the high ups for further order and returned without tendering anything on the applications forms.

(3) It is worth to mention here that during the interview the Education Department advised the Commission to count the experience after B.Ed not BA. As such the interviewing panels gave directions to re-print-out the descriptive/interview papers after conclusion of the said interview with a week time. In this regard we have again collected the descriptive from the computer operator which was already available in computer. The whole interview process of 09 months interview papers/descriptive sheets handed over to each Member of five Panels within the stipulated time. In this short time the branch had only calculated the experience after B.Ed not the descriptive sheet/domiciles which

were already checked and scrutinized by the branch concerned. None of the official of the branch concerned tempered with their domicile/documents and no malafide intention was attached with this mistake which occurred in re-priating off interview paper.

This mistake occurred in re-printing of interview papers/descriptive also escaped the attention of the interviewing Members and as such appeared in the merit list against Mansehra / 5 and were accordingly recommended. The selection list of all the recommendees duly indicating their Zones were displayed in the Notice Board and in the Website of the Commission.

However, if the discrepancy of domicile in the final allocation and recommendation of the candidates had been pointed out by the selectees themselves or any affected party immediately after the announcement of the result we could have conveniently corrected the position. Unfortunately no body pointed out this mistake. It may not be out of place to mention that a checking assigned with the responsibility to check eligibility of the ADOs was constituted under the order of the then Chairman but that Committee also could not point-out the mistake in their report and as such the case attained finality.

e) That the charge of careless and lethargic attitude wherein one candidate was interviewed twice and his name was twice mentioned in the merit list is also a human mistake. As already stated that while dealing with thousand of applications such mistakes do occur daily by various branches but when detected at some level these are corrected. As per procedure the interview call letters were issued by the Superintendent and Assistant to which Deputy Secretary was quite un-aware. However, in this case the candidate through over sight may have been interviewed twice due to rush of work without any criminal intent. In case the candidate was erroneously called for the 2nd time he was supposed to have brought this fact either to the notice of branch concerned or before the interview panel. His silence became one of the reasons for his second time interview and also reflection in the merit list twice because the mistake could not be detected in time. This obviously proves our innocence. If the branch had any bad intention they could have easily dropped the twice recommended candidate from the one post and recommended another candidate. Moreover, neither the investigating department nor they leftover candidates without this lapse and as such we could not rectify the position at the relevant time.

f) That it has been mentioned in the show cause notice that I enjoy bad reputation in the office. This charge is again based on malice and bias of the fact finding committee towards me. The charge of bad reputation is baseless and incorrect. In the absence of material no one can be charged for enjoying bad reputation.

4. It is settled principal of law that all the grounds mentioned in the final show cause notice. But in final show cause notice one charge (e) was not properly examined nor-provided the descriptive of double interview of the said candidates.

5. That so far as the conducting of enquiry is concerned it was not conducted in a fair and legal manner. The enquiry committee did not give me opportunity to cross examine that witness produced by the Department. The enquiry committee also did not give me the opportunity to produce evidence. It is therefore, was one sided enquiry.

6. That no witnesses were examined by the enquiry committee in my presence and if any such witness is claimed to have been examined i.e in my absence the same hearing not been subjected to the test of cross examined. As no chance was given to me to produce

evidence or to cross examine the prosecution witness, therefore, any defense before the enquiry committee was not truly recorded therefore, I did not commit any act of omission.

7. As stated above, no illegal act/omission was committed by the answering responded. Therefore, the penalty proposed in this Para is very harsh and it is requested the same may please not be considered.

8. As all the acts were committed by the answering responded in good faith.

9. A Government servant cannot be punished merely on the basis of purely procedural and technical allegations which do not result into any loss to Court.

Therefore, it is humbly requested that penalty of dismissal may be set aside and I may please be re-instated with all back and consequences benefit.

Yours obediently

(AMIR ILYAS)
EX-SUPERINTENTENT
KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION

Dated: 2/05/2016

Annex "G"

Telephone No: 091-9212962

KHYBER PAKHTUNKWA PUBLIC SERVICE COMMISSION
2-FORT ROAD PESHAWAR CANTT.

No. KP/PSC/Admn/GF-521/ 015218
Date: 18-4-16

From:
Secretary,
Public Service Commission,
Peshawar.

To

Mr. Amir Ilyas,
Address: PO Yaghi Band Miana, Tehsil & Distt: Peshawar.

Subject: **APPEAL AGAINST OFFICE NOTIFICATION NO.KP/PSC/ADMIN/GF-521/1978-84 DATED 15.01.2016 OF THE CHAIRMAN PSC, PESHAWAR WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE WAS IMPOSED FOR NO LEGAL REASON**

Reference your application of review petition dated 03.02.2016 on the subject noted above.

2. It is to inform that the Governor Khyber Pakhtunkhwa being Reviewing Authority has been pleased to reject your review petition and has upheld the penalty conveyed to you vide this office Notification No.KPK/PSC/Admn/GF-521/1978-84 dated 15.01.2016.

SECRETARY
PSC

Copy to:

PS to Chairman, Khyber Pakhtunkhwa PSC for information.

SECRETARY
PSC

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

9991

PESHAWAR BAR ASSOCIATION

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

قیمت 10 روپے

ایڈووکیٹ/دستخط: _____

بار کونسل/بار ایسوسی ایشن نمبر: BC-11-7356

رابطہ نمبر: 0315 9091951

بعدالت جناب: سروس ٹریبونل خیبر پختونخواہ

دعویٰ: اپیل

علت نمبر: _____

مورخہ: _____

جرم: _____

تھانہ: _____

منجانب: سائل/اپیلانٹ

عامر الیاس بنام حکومت وغیرہ

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام سروس ٹریبونل کے لئے جناب حلیل اسماعیل خان کو وکیل مقرر

کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو

راضی نامہ کرنے وتقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق

زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز

دائر کرنے اپیل نگرانی ونظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی

کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب

مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ

میں جو خرچہ ہرجانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام

دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہٰذا وکالت نامہ لکھ دیا تاکہ سند رہے۔

المرقوم: 16/05/16

گواہ شد

العبد _____ العبد _____

مقام سروس ٹریبونل خیبر پختونخواہ کے لئے منظور ہے۔

Accepted
Accepted

BEFORE THE HON'ABLE SERVICES TRIBUNAL K.P.K, PESHAWAR

Appeal No:_____/2016

Mr.Amir ilyas

VS

Government of Khyber Pakhtunkhwa

APPLICATION FOR RESTRAINING THE RESPONDENTS FROM MAKING REGULAR PROMOTION TO THE POST OF SUPERINTENDENT TILL THE FINAL DISPOSAL OF THE INSTANT APPEAL.

Respectfully Sheweth,

1. That the above titled case been fixed for adjudication before this honorable services tribunal i.e. 17/11/2016.

2. That the appellant has a good prima facie case and the entire ingredients are in favor of the appellant.

3. That at the time of removal from the service the petitioner/appellant was serving at the post of superintendent, the said post is still vacant and the respondents with mala fide intention attempting to fill up the post of the petitioner/appellant by regular promotion of the other official of the department which would result in irreparable loss in case of success of the petitioner/appellant by allowing the appeal of the petitioner/appellant.

4. That all the conduct of the respondents is based on malafide and against the cause of justice.

5. That if the promotion on the post of superintendent is absolutely necessary for the smooth running of the office work then the same may be filled up on temporary basis for running affairs of the office.

It is therefore most humbly prayed that the respondents may be restrained from making regular promotion on the post of superintendent till the disposal of the instant appeal, any other remedy, which this august tribunal deems fit and appropriate that, may also be awarded in favor of petitioner/appellant.

Dated: 03/11/2016

Appellant
Through
Jehanzeb Khan Khalil
&
Aman Durrani
Advocates High Court
Peshawar.

Affidavit:
It is affirmed and declared that the content of the above application are true and correct to the best of my knowledge and belief and nothing has been concealed from the Hon;able tribunal.

Deponent

ATTESTED

04.11.2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 524/2016.

Amir Ilyas, Ex Superintendent KP PSC..... Appellant.

VERSUS

Govt. of KP through Chief Secretary & others ..... Respondents.

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11/4/2016

Assistant Director
Khyber Pakhtunkhwa
Public Service Commission Peshawar
(Respondent)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 524/2016.

Amir Ilyas, Ex Superintendent KP PSC..... Appellant.

VERSUS

Govt of KP through Chief Secretary & others ..... Respondents.

JOINT PARA-WISE COMMENTS OF (RESPONDENT NO. 01 to 04).

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

1. That appellant has got no *cause of action* and / or *locus standi* to file the instant service appeal.
2. That the allegations of the appellant are baseless and misleading.
3. Appellant is not an '*aggrieved person*' under the law. He has not approached this honorable Tribunal with *clean hands*.
4. That no discrimination / injustice have been done to the appellant.
5. That the appeal is not based on facts and is unjustified and illegal demand against the lawful authority of the Commission.
6. That the service appeal is bad in the eyes of Law.
7. That the Service appeal is an embodiment of *falsehood* and *misrepresentation / concealment* of material facts. It is based on *gross mis-statement*, hence *bad* in law and facts both.
8. That the appellant is *estopped* by his own act and / or character. He filed the present service appeal *dishonestly, by design / scheme* and *after thought* not only to malign the Commission but to get sympathy /dogged this honorable Tribunal.
9. That all the acts of the replying respondents are in line with the norms and principles of natural justice.
10. That the removal from service of the appellant is based on the proper procedure of law.

ON FACTS

1. If he was a law abiding citizen then why he involved himself in illegal and unlawful activities which resulted in his removal from service.

2. The appellant was appointed as Junior Clerk but also enjoy bad reputation in the office.

3. Correct.

4. Both the complaints were submitted by Mr. Saqibullah S/O Rafiullah on 14.10.2014 **(Annex A & B).** Selection process was finalized on 04.02.2011. His complaint was on the basis of documents provided by the official/officers involved in this case. On the basis of documents a time barred case was reopened through Writ Petition after four years.

5-8. The Khyber Pakhtunkhwa Public Service Commission advertised 241 posts of Assistant District Officer (BPS-16) vide Advertisement No. 05/2009 Serial No. 07 on 04.06.2009. After conducting interviews with effect from 03.12.2009 to 25.08.2010, recommendations were sent to Secretary Elementary & Secondary Education Department vide letter No. KPPSC/SR-I/1078 dated 04.02.2011. After a lapse of four years when the case attained finality, the one Saqibullah offered bribe amounting to rupees 7,50,000/- in the shape of cheque bearing No. 63301 dated 01.08.2011 and obtained documents which are meant for official use only. On the basis of these documents he filed Writ Petition No. 898-A/2014 in Peshawar High Court Abbottabad Bench with a malafide and dishonest intensions. Since documents meant for official record were produced with Writ Petition No. 898-A/2014, therefore it was decided that an enquiry may be conducted as to point out who provided these documents without permission and how a time barred case has been reopened after a lapse of four years. Before submission of comments in the Peshawar High Court Abbottabad Bench, an enquiry committee was conducted in order to meet the ends of justice. The Khyber Pakhtunkhwa Public Service Commission is a constitutional body and

can't afford such illegal activities hence strict disciplinary action has been initiated against four officials involved in it. If strict action is not taken then trust of general public on the Khyber Pakhtunkhwa Public Service Commission shall be lost. All the documents which are for official use were provided to Mr. Saqibullah without obtaining approval of Chairman, Khyber Pakhtunkhwa Public Service Commission. The Chairman Khyber Pakhtunkhwa Public Service Commission constituted a committee comprising the following vide Office Order No. KP/PSC/Admn/GF-319/012440-45 dated 10.03.2015 :

i. Prof: Dr Sarah Safdar, Member-I, PSC

ii. Prof: Dr Muhammad Farooq Swati, Member-VII, PSC

iii. Mr. Ghulam Dastagir Ahmed, Director Recruitment, PSC

The Committee was required to examine the complaint of Mr. Saqibullah (Complainant) regarding alleged wrong recommendations of three candidates from Zone-5 against the post of (Male) Assistant District Officer (BPS-16), to summon and hear all the three recommendees, to probe into the alleged involvement of the three candidates with Commissions' Staff and fix responsibility and to examine as to whether after a lapse of about four years, the Commission can entertain such applications/ complaints and make reallocation and fresh recommendations or otherwise. The enquiry committee came to the following conclusion:

i) A number of gross irregularities have been committed by the staff up to the Deputy Secretary in the process of selection of candidates for the posts of ADOs (BPS-16) in Elementary and Secondary Education Department. All of them know the legal procedures as reflected in their statements but the procedures were not followed in this case for ulterior motives.

ii) No care was taken in account in the eligibility of candidates. Candidates were made eligible for interview simply with the signature of the Dealing Assistant or Superintendent or Deputy Secretary. Approval of the

competent authority i.e. Member incharge was not obtained. Moreover, proper checking of zones of the three candidates namely Sarfaraz, Ajmal and Shafiqur Rehman was not made for which Masood Zaman, Deputy Secretary, Rustam Khan the then Superintendent:, **Amir Ilyas the then Assistant** and Muhammad Shahab the then Key Punch Operator are equally responsible for the gross irregularities.

iii) Due to the extremely careless attitude of the concerned staff, one candidate was twicely interviewed and was twicely recommended.

iv) **The acceptance of cheque amounting to Rs. 7,50,000/- in bribe by Masood Zaman, Deputy Secretary from Saqibullah in return of selecting him for the post of ADO has been proved beyond doubts.**

v) Though Muhammad Sajjad Qureshi accepts he took Saqibullah to the office of Masood Zaman for enquiry but it is not possible for a candidate to offer bribe directly to an unknown officer. There is an active role of Muhammad Sajjad Qureshi in the offer of bribe by Saqibullah to Masood Zaman.

vi) All the officers/officials involved in this case also enjoy bad reputation in the office.

The Committee recommended that:

i. Mr. Masood Zaman, Deputy Secretary may be dismissed from service.

ii. **Mr. Amir Ilyas Superintendent**, Mr. Muhammad Sajjad Qureshi Superintendent and Mr. Muhammad Shahab Assistant may be removed from service. Show cause notices may be issued to the officials under Rule 5(a) of the E&D Rules 2011.

iii. As Rustam Khan the then Superintendent; has now retired from service. In his case, opinion of the Establishment Department may be obtained as to what punitive actions can be taken against him after his retirement.

iv. **Mr. Saqibullah may be disqualified from applying to the Commission for ever and his case be referred to the Elementary and Secondary**

Education Department for taking punitive action against him under the rules.

In pursuance of the Supreme Court Judgment No. 7407/AG dated 19.04.2014 that if candidate is mistakenly recommended by the Commission without any fault on his part then he will not be disturbed while proceedings will be initiated against the officials concerned. Since there is no fault on the part of the recommended candidates namely Shafiqur Rehman, Sarfaraz and Ajmal Khan therefore, their recommendations may not be disturbed and the case of readjustment/ reallocation may not be processed after the lapse of almost five years of recommendations. (Annex-C)

Name of **Mr. Syed Mahmood ul Hassan S/O Syed Sarwar Shah** was reflected in the list and called for interview twice. His name was reflected in the merit list at serial number **211** & **276 (Annex-C1 & C2)**. It was noticed by senior officers and rectified otherwise it might have created embarrassing situation for the Commission.Candidates names and particulars given below in their application forms have clearly recorded Zone-III. Mr. Muhammad Shahab, Senior Clerk and other acussed have included them against Zone-V.

S.NO	Name and father's name	Zone recorded in application form	Recommended against
1.	Muhammad Ajmal S/O Jamal Ud Din	Zone-III	Zone-V
2.	Shafiq ur Rehman S/O Abdur Rehman	Zone-III	Zone-V
3.	Sarfaraz Khan S/O Shahab ud Din	Zone-III	Zone-V

It is gross irregularity. Candidates from Zone-III have been recommended against quota reserved for Zone-V. This gross negligence was for personal gain which can't be ignored.

9. Incorrect. The complainant Mr. Saqibullah has also been disqualified and Elementary and Secondary Education Department has been asked to initiate disciplinary action against him. The competent authority constituted a committee in exercise of lawful authority to probe into the matter. The committee has acted in accordance with law and rules. Show Cause Notice can be served under the Khyber Pakhtunkhwa Civil Servant Efficiency & Discipline rules 2011. No irregularity has been committed. The appellant was dealt with in accordance

with law and rules by providing opportunity of personal hearing him in person by the committee. He was asked to respond to a questionnaire in writing as well as verbally. Reply of the appellant to the charges leveled against him was unsatisfactory, not supported by any solid proofs hence was proceeded against as per rules and regulations. The Public Service Commission is a Constitutional institution. It can't afford illegal practices which bring bad name for the entire organization. On the recommendations of the inquiry committee the competent authority served him with Show Cause Notice. After providing him an opportunity of personal hearing, passed a just, legal and impartial order of removal from service of the appellant fulfilling the needs of justice. The appellant preferred a Departmental appeal against his removal but the same was also turned down on the basis of lacking valid grounds for considerations. Guilt of the appellant was proved beyond reasonable doubts. The Inquiry Committee has also confirmed that the appellant enjoy a bad reputation in the office. The appellant has been removed from service after fulfilling all the norms of justice. The appellant has been provided all the opportunities to prove his innocence but in vain. Retention of such officials in Khyber Pakhtunkhwa Public Service Commission is not in the public interest. The Chairman Khyber Pakhtunkhwa Public Service Commission has rightly issued the order of dismissal from service of the appellant. The review petition of the appellant being devoid of merits was rightly turned down.

GROUNDS.

A. Incorrect. The order and entire procedure adopted by the inquiry committee is in accordance with the Khyber Pakhtunkhwa Govt. Servants (Efficiency and Discipline) Rules, 2011 hence legal, just, impartial and based on facts and circumstances. Involvement of appellant in corrupt practice was proved. The Khyber Pakhtunkhwa Public Service Commission being constitutional body cannot afford and allow such illegal practices.

B. Incorrect. The departmental Inquiry Committee comprising of the senior most Members and reputable officer was established under the lawful authority. The Inquiry Committee submitted its impartial findings whereby the illegal act, malafide intention and misconduct of the appellant were proved and established beyond any doubt.

C. Incorrect. The appellant is removed from service after the fulfillment of all the codal formalities. He is liable to be taken to task for his grave and serious misconduct mentioned in para 8 and above. Otherwise confidence of general public shall be shaken. Entire record was provided by officers/officials involved in this case for personal gain. Approval of the competent authority was not obtained. Approval of the member incharge was not solicited. cheque bearing No. 63301 dated 01.08.2011 for Rs. 7,50,000 is proof of their corruption.

D. Incorrect. The guilt of the appellant was proved beyond reasonable doubts by the inquiry committee. Under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, Show Cause Notice can be served directly. Appellant was provided opportunity of personal hearing by the Competent Authority. Subsequently major penalty of removal from service was imposed.

E. Incorrect. All the norms of justice and fairplay have been followed in the case of the appellant. Copy of Inquiry report was provided vide letter dated 22.07.2015 **(Annex-C3).** The inquiry committee has acted in accordance with law and provided each and every opportunity to the appellant to prove his innocence but he failed to do so. He was also provided an opportunity of personal hearing by the competent authority. The appellant had not objected and also submitted reply to the Show Cause Notice thus enabling him fair chance to defend himself properly.

F. Incorrect. Questionnaire served upon Mr. Amir Ilyas is at **(Annex-D).** His written statement is at **(Annex-E)** The Commission constituted enquiry to probe into the involvement of other officers/officials in the instant case, and as a result of

Enquiry Report the appellant was awarded the penalty of removal from service. The gross irregularity committed by the appellant were proved beyond any doubt is enough to remove him from service. The appellant has been removed from service after observing all the codal formalities and just procedures as per approval of the Governor/Competent authority. His service career is full of offences and consequential punishments. He was removed from service vide office order NO. KP/PSC/Admn/GF-521/1978-84 dated 15.01.2016**(Annex-F)**. It was hoped that he might have learnt lessons from his past delinquencies but he continued with an attitude which is un-becoming of a civil servant. He had been issued warnings and explanations from time to time. Orders passed by Chairman are liable to be maintained being legal and according to law and facts. The instant appeal is without legal footings whereby an illegal demand has been made against the lawful authority. The orders passed by the Respondents are legal, based on law and facts hence liable to be maintained. Since, the service record and conduct of the delinquent appellant has been thoroughly examined and allegations leveled against him are proved beyond any doubt, therefore, the instant appeal may be dismissed being without merit. The respondents also seek leave of this Honorable Tribunal to raise additional grounds at the time of arguments. Retention of person involved in corrupt practices shall shake the trust of general public.

G. Incorrect. Sufficient documentary proofs are available on the basis of which major penalty has been imposed. Details are available at para 8 above.

H. Incorrect. Guilt of the appellant was proved beyond reasonable doubts. If he was innocent then he should have explained the same during personal hearing with the Competent Authority/Inquiry Committee.

I. Incorrect. Removal from service of the appellant is in accordance with the Government Servants (Efficiency and Discipline) Rules, 2011. No irregularity has been committed by the Commission.

J. Incorrect. His service career is full of offences and consequential punishments **(Annex- F1)**. Since he was involved in illegal activities therefore he has been removed earlier from service vide office order NO. KP/PSC/Admn/GF-521/1978-84 dated 15.01.2016. The Inquiry Committee is competent to recommend imposition of minor/major penalty. The appellant enjoy bad reputation. He should have avoided illegal activities.

K. Incorrect. The appellant being guilty may not be allowed to raise other grounds at the time of arguments.

It is therefore humbly prayed that on acceptance of this reply/submission made herein above the instant appeal may kindly be dismissed.

CHIEF SECRETARY
KHYBER PAKHTUNKHWA
PESHAWAR
(RESPONDENT NO.01)

CHAIRMAN
KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION
PESHAWAR
(RESPONDENT NO.02)

SECRETARY
KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION
PESHAWAR
(RESPONDENT NO.03)

REGISTRAR EXAMINATIONS
KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION
PESHAWAR
(RESPONDENT NO.04)

AFFIDAVIT

Stated on oath that the contents of this Para wise comments are true and correct & nothing has been concealed from this Honorable tribunal.

DEPONENTS

CHIEF SECRETARY
KHYBER PAKHTUNKHWA
PESHAWAR
(RESPONDENT NO.01)

CHAIRMAN
KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION
PESHAWAR
(RESPONDENT NO.02)

SECRETARY
KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION
PESHAWAR
(RESPONDENT NO.03)

REGISTRAR EXAMINATIONS
KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION
PESHAWAR
(RESPONDENT NO.04)

بحضور جناب چیئرمین پبلک سروس کمیشن خیبر پختونخوا پشاور

Annexure "A"

ثاقب اللہ خان ولد رفیع اللہ خان، قوم سواتی، ساکنہ محلہ تیتوال بالا، بفہ ٹاؤن، ڈاکخانہ بفہ، تحصیل وضلع مانسہرہ

موبائل نمبر: 0300-5633356,0345-9544498

بنام

سید محمود الحسن ولد سید سرور شاہ، ساکنہ ایبٹ آباد، زون 5

عنوان: **ADO کی میرٹ لسٹ میں مسئول علیہ کے نام کی میرٹ آرڈر نمبر 211 اور میرٹ آرڈر نمبر 276 پر یعنی دو دفعہ موجودگی۔**

جناب عالی! درخواست عرض ذیل ہے۔

1) یہ کہ سائل ثاقب اللہ نے مورخہ 30-06-2010 کو اسسٹنٹ ڈسٹرکٹ آفیسر (ADO)، گریڈ-16، محکمہ تعلیم کے لئے انٹرویو وغیرہ میں پاس ہو کر کل نمبرات 58 (انٹرویو 38+دیگر 20) یعنی 58/38 نمبر حاصل کئے۔

مگر مسئول علیہ کی میرٹ لسٹ میں دو دفعہ موجودگی سے سائل کی تعیناتی نہ ہو سکی۔

2) اشتہار 05/2009 میں A.D.O کی کل 241 اسامیوں کی تفصیل درج ذیل ہے۔

Merit=61, Zone 1=40, Zone 2=40, Zone 3=40, Zone 4=30, Zone 5=30

(درخواست ھذا کے ساتھ لف صفحہ نمبر 1 اور صفحہ نمبر 2 ملاحظہ کریں)

3) زون 5 کا آخری منتخب شدہ اُمیدوار رب نواز ولد گل داد خان، سیریل نمبر 279، حاصل کردہ نمبر 58/38، تاریخ پیدائش 15-04-1973 ہے۔

27-10-2014

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Peshawar.

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4) سائل زون 5 کی میرٹ لسٹ میں باقی ماندہ اُمیدواران میں "Top of the List" ہے۔یعنی سائل، سیریل نمبر 281، حاصل کردہ نمبر 58/38 تاریخ پیدائش 14-04-1974 ہے۔

5) یہ کہ A.D.O کی میرٹ لسٹ میں سید محمود الحسن ولد سید سرور شاہ، ساکنہ ایبٹ آباد، زون 5 کا نام میرٹ آرڈر نمبر 211 پر بھی موجود ہے اور میرٹ آرڈر نمبر 276 پر بھی موجود ہے۔

6) چونکہ سائل زون 5 کی میرٹ لسٹ میں باقی ماندہ امیدواران میں "Topof the List" اس لئے سید محمود الحسن ولد سید سرور شاہ کا نام میرٹ آرڈر میں دو دفعہ کے بجائے ایک دفعہ لکھنے سے سائل کی تعیناتی ADO کی پوسٹ پر یقینی طور پر ہو جائے گی۔

لہٰذا استدعا ہے کہ سید محمود الحسن ولد سید سرور شاہ کا نام میرٹ لسٹ میں دو دفعہ کے بجائے ایک دفعہ لکھ کر سائل ثاقب اللہ کی تعیناتی ADO کی پوسٹ پر کی جائے۔

الرقوم: 27-10-2014

العبد

ثاقب اللہ خان ولد رفیع اللہ خان، قوم سواتی، ساکنہ محلہ تیتوال بالا، بفہ ٹاؤن، ڈاکخانہ بفہ، تحصیل وضلع مانسہرہ

شناختی کارڈ نمبر: 13503-0383006-9

موبائل نمبر: 0300-5633356,0345-9544498

KPK Public Service Commission
27 OCT 2014
DIARY
5766

Attested

SUPERINTENDENT
KPK Public Service Commission
Peshawar.

بحضور جناب چیئرمین پبلک سروس کمیشن خیبر پختونخوا پشاور

Page No. 13

Annex B

ثاقب اللہ خان ولد رفیع اللہ خان، قوم سواتی، ساکنہ محلہ تیتوال بالا، بفہ ٹاؤن، ڈاکخانہ بفہ، تحصیل وضلع مانسہرہ
موبائل نمبر 0345-9544498, 0300-5633356

بمقدمہ

۱) شفیق الرحمن ولد عبدالرحمن، ساکنہ گاؤں موہاڑ خورد، ڈاکخانہ لسان نواب اپر تناول، ضلع مانسہرہ
شناختی کارڈ نمبر: 13503-0623012-3

۲) محمد اجمل ولد جمال الدین، ساکنہ گاؤں نمبل، ڈاکخانہ شیر گڑھ اپر تناول تحصیل اوگی، ضلع مانسہرہ
شناختی کارڈ نمبر: 13504-9212536-7

۳) سرفراز خان ولد شہاب الدین، ساکنہ اپر تناول، ضلع مانسہرہ۔
بمعرفت عثمان جنرل سٹور، نزد شیل فلنگ سٹیشن، محلہ ڈب، مانسہرہ

عنوان:۔ زون 3 کے رہائشی مذکورہ بالا تینوں مسئول علیہم کا ADO کی پوسٹوں پر پبلک سروس کمیشن کی ملی بھگت سے زون 5 کے کوٹہ میں غیر قانونی تعیناتی

جناب عالی! درخواست عرض ذیل ہے۔

1) یہ کہ سائل ثاقب اللہ نے مورخہ 30-06-2010 کو اسسٹنٹ ڈسٹرکٹ آفیسر (ADO)، گریڈ۔16، محکمہ تعلیم کیلئے انٹرویو وغیرہ میں پاس ہوکر کل نمبرات 58 (انٹرویو 38+دیگر 20) یعنی 58/38 نمبر حاصل کئے۔
(درخواست ھذا کے ساتھ لف صفحہ نمبر 24، سیریل نمبر 281 ملاحظہ کریں)
مگر تینوں مسئول علیہم کی پبلک سروس کمیشن کے ساتھ باہمی ملی بھگت اور ساز باز کے نتیجے میں سائل کی تعیناتی زون 5 کے کوٹہ میں نہ ہوسکی۔

2) اشتہار 05/2009 میں A.D.O کی کل 241 اسامیوں کی تفصیل درج ذیل ہے:۔
Merit=61, Zone 1=40, Zone 2=40, Zone 3=40, Zone 4=30, Zone 5=30
(درخواست ھذا کے ساتھ لف صفحہ نمبر 29 اور صفحہ نمبر 30 ملاحظہ کریں)

3) حیران کن طور پر زون 5 کے رہائشی صرف اور صرف اٹھائیس (28) امیدواران تعینات کئے گئے۔

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4) یہ کہ تینوں مسئول علیہم نے بھرتی کیلئے "بھرتی فارم" کے ساتھ اپنا ڈومیسائل جو کہ ریکارڈ کے لحاظ سے زون 3 کا بنتا ہے، پیش کیا تھا۔ لیکن ذاتی مفاد کی خاطر غلط بیانی کرتے ہوئے "بھرتی فارم" میں اپنے آپ کو زون 5 کے رہائشی ظاہر کیا۔

5) پبلک سروس کمیشن نے تینوں مسئول علیہم کے ڈومیسائل دیکھنے کے باوجود "بھرتی فارم" میں لکھے گئے زون 5 پر کوئی اعتراض نہ کیا تاکہ تینوں مسئول علیہم کی تعیناتی زون 5 کے کوٹہ میں ہو سکے۔

6) تینوں مسئول علیہم اور پبلک سروس کمیشن کا یہ فعل سائل سمیت دیگر باسیان زون 5 کی شدید حق تلفی کا باعث بنا ہے۔

7) مسئول علیہ نمبر 3 سرفراز خان کے کل حاصل کردہ نمبر 59 (انٹرویو 35+ دیگر 24) یعنی 59/35 ہیں۔
اگر مسئول علیہ نمبر 3 سرفراز خان کو زون 5 کے کوٹہ سے نکال دیا جائے تو کم نمبروں کی وجہ سے زون 3 کے کوٹے میں اس کی تعیناتی نہیں ہو سکتی اور وہ فارغ ہو جائے گا۔

8) تینوں مسئول علیہم اور پبلک سروس کمیشن کے خلاف ایک مقدمہ W.P.No.357/11 عنوان "جہانزیب خان بنام پبلک سروس کمیشن" پشاور ہائی کورٹ ایبٹ آباد بنچ میں زیر سماعت ہے جس کی آئندہ سماعت مورخہ 11-11-2014 مقرر ہے۔
(درخواست ھذا کے ساتھ لف صفحہ نمبر 13 تا صفحہ نمبر 19 اور صفحہ نمبر 28 ملاحظہ کریں)

9) سائل ثاقب اللہ کی C.M.No.42-A /12 بوساطت محمد شعیب خان ایڈوکیٹ مورخہ 25-04-2013 سے مندرجہ بالا مقدمہ میں منظور شدہ ہے۔ (درخوست ھذا کے ساتھ لف صفحہ نمبر 05 تا صفحہ نمبر 08 ملاحظہ کریں)

10) سائل کی C.M. No. 42-A /12 ہائی کورٹ کی مورخہ 25-04-2013 کی آرڈر شیٹ کے ذریعے مذکورہ بالا مقدمے کا حصہ ہے۔ (درخواست ھذا کے ساتھ لف صفحہ نمبر 08 ملاحظہ کریں)

11) سائل مورخہ 25-04-2013 سے مذکورہ مقدمہ W.P.No.357/11 میں مدعا علیہ نمبر 12 پر موجود ہے۔
(درخواست ھذا کے ساتھ لف صفحہ نمبر 13، سیریل نمبر 12 ملاحظہ کریں)

12) مسئول علیہ نمبر 01 شفیق الرحمن اور مسئول علیہ نمبر 02 محمد اجمل نے مذکورہ مقدمہ W.P.No.357/11 میں بیان حلفیاں دی ہیں کہ وہ اپر تناول زون 3 کے رہائشی ہیں۔ بیان حلفیاں اس درخواست کے ساتھ لف ہیں۔
(درخواست ھذا کے ساتھ لف صفحہ نمبر 01، صفحہ نمبر 02 اور صفحہ نمبر 03، صفحہ نمبر 04 ملاحظہ کریں)

13) مندرجہ بالا مقدمہ کے مورخہ 25-09-2014 کے آرڈر شیٹ میں اسسٹنٹ ایڈوکیٹ جنرل نعیم عباسی کو ہائی کورٹ کی

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14) زون 5 آخری منتخب شدہ اُمیدوار رب نواز ولد گل داد خان، سیریل نمبر 279، حاصل کردہ نمبر 58/38، تاریخ پیدائش 15-04-1973 ہے۔

(درخواست ھذا کے ساتھ لف صفحہ نمبر 20، سیریل نمبر 09 اور صفحہ نمبر 24، سیریل نمبر 279 ملاحظہ کریں)

15) سائل زون 5 کی میرٹ لسٹ میں باقی ماندہ اُمیدواران میں "Top of the List" ہے، یعنی سائل، سیریل نمبر 281، حاصل کردہ نمبر 58/38، تاریخ پیدائش 14-04-1974 ہے۔

(درخواست ھذا کے ساتھ لف صفحہ نمبر 24، سیریل نمبر 281 ملاحظہ کریں)

16) چونکہ سائل زون 5 کی میرٹ لسٹ میں باقی ماندہ اُمیدواران میں "Top of the List" ہے، اسلئے اگر ان تینوں مسئول علیہم کو زون 5 کے کوٹہ سے نکال دیا جائے تو سائل کی تعیناتی ADO کی پوسٹ پر ہو جائے گی۔

17) اگر درخواست ھذا پر پندرہ (15) دنوں تک کوئی عمل نہ کیا گیا تو سائل تینوں مسئول علیہم کے علاوہ پبلک سروس کمیشن کے خلاف بھی اینٹی کرپشن اور صوبائی محتسب کو درخواستیں دینے پر مجبور ہو جائے گا۔

لھذا استدعا ہے کہ مندرجہ بالا حقائق کو مدنظر رکھتے ہوئے پبلک سروس کمیشن، ڈائریکٹوریٹ آف ایلیمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخوا پشاور کو تینوں مسئول علیہم کی بھیجی گئی "Recommendation" واپس لے لے۔ اور تینوں مسئول علیہم کی جگہ میرٹ لسٹ سے سائل سمیت زون 5 کے رہائشیان کی تعیناتی کی جائے اور ظلم کے مرتکب ذمہ داروں کو قرار واقعی سزا دی جائے۔

المرقوم 14-10-2014

المعروض

ثاقب اللہ خان ولد رفیع اللہ خان، قوم سواتی، ساکنہ محلہ تیتوال بالا، بفہ ٹاؤن، ڈاکخانہ بفہ، تحصیل و ضلع مانسہرہ

شناختی کارڈ نمبر: 13503-0383006-9

موبائل نمبر 0300-5633356, 0345-9544498

Attested

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KPK Public Service Commission
Peshawar.

ENQUIRY REPORT

Annx C

16

Subject: - PRELIMINARY ENQUIRY TO PROBE INTO THE IRREGULARITIES COMMITTED IN MALE ASSISTANT DISTRICT OFFICERS (BPS-16)

The Chairman KP PSC constituted a committee comprising the following vide Office Order No. KP/ PSC/ Admn/GF-319/012440-45 dated 10.03.2015 (Annex-I): -

1. Prof: Dr Sarah Safdar Member-I, PSC.
2. Prof: Dr Muhammad Farooq Swati Member-VII, PSC.
3. Mr Ghlam Dastagir Ahmed Director Recruitment, PSC

2 The Committee is required to examine the complaint of Mr Saqibullah (Complainant) regarding alleged wrong recommendations of three candidates from Zone-5 against the post of Male Assistant District Officer (BPS-16), to summon and hear all the three recommendees, to probe into the alleged involvement of the three candidates with Commissions' staff and fix responsibility and to examine as to whether after a lapse of about four years, the Commission can entertain such applications/ complaints and make reallocation and fresh recommendations or otherwise.

3 First meeting of the Committee was held on 11.03.2015 Syed Ilyas Shah Deputy Director II was asked to produce applications forms of the three candidates alongwith application of the complainant Mr Saqibullah and complete record of recruitment of ADO BPS-16 advertised in Advertisement No. 5/2009.

4 In the 2nd meeting of the Committee held on 16.03.2015, the applications of the three candidates namely Mr Muhammad Ajmal S/O Jamal ud Din, Mr Sarfaraz S/O Shahabud Din and Mr Shafiq ur Rehman S/O Abdur Rehman and other record were thoroughly checked and the Committee found the following: -

i. In the applications forms / departmental permissions, all the three candidates have clearly mentioned their zone as "Zone-3" but in the descriptive sheets prepared by the concerned officer/ officials for interview, the zone of the three candidates has been reflected as Zone-5(Annex-II, III, IV).

ii The applications of Mr Ajmal and Mr Sarfaraz were signed only by Mr Rustam Khan the then Superintendent and no orders of eligibility of the Member were obtained.

iii. Application of Mr Shafiq ur Rehman is signed by Mr Amir Ilyas the then Assistant and Mr Masood Zaman the then Deputy Secretary and no orders of the Member concerned were obtained (Annex-V).

iv. The result is signed by Mr Masood Zaman DS and Mr Fazal Badshah the then Director.

Attested

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KPK Public Service Commission
Peshawar.

5. Next meeting of the Committee was held on 24.03.2015. Statement Mr Masood Zaman DS, Mr Rustam Khan the then Supdt. Mr Amir Ilyas the then dealing Assistant, Mr Muhammad Shahab the then Sr. Clerk/ KPO, Mr Muhammad Sajjad Qureshi the the Supdt were recorded. Statement of the three recommendees were also recorded whereas Mr Saqib Ullah did not attend the enquiry proceedings. 17

STATEMENT OF MR MASOOD ZAMAN THE THEN DEPUTY SECRETARY:-

6. In his statement at Annex-VI, Mr Masood Zaman has stated that his job description is file work, scrutiny of applications, preparation of result and supervision of his Branches. Eligibility of candidates is done by the Assistant, then by the Supdts and is sent to the DS for onwards submission to Director/ Member. Descriptive sheet is prepared by the dealing Assistant. He submits the same to the Supdt:. The Supdt: submit the same for countersignature to the DS. No file move up without my signature except when I am on leave. On conclusion of interview, the Director or the DS takes the result from Member, makes the calculations, prepare the merit list and allocation is made as per vacancies. The result is signed from dealing Assistant to the Director.

7. During the interviews it was decided that experience may be counted from B.Ed and not BA. There were five panels of interview. The Members had directed that after conclusion of the running interviews, scrutiny may be carried out and the experience be counted after B.Ed. They prepared fresh descriptive sheets as per orders and were handed over to the Members concerned. Due to load of work, he could not signed every descriptive. Before conveying the result, the Chairman had constituted a checking committee. The committee had taken the result and all the original applications of selected candidates. After checking the same, the result and applications were returned. 7

8. The three candidates in question belonged to District Mansehra (UDA). They were inadvertently considered in Mansehra Zone-5 instead of Mansehra (UDA) Zone-3. The descriptive was not changed but only zone 5 was mistakenly recorded instead of Zone-3. As per orders of the Chairman that the DS concerned will prepare the result, therefore, I with the help of Mr Shahab computer operator prepared the result.

9. He stated that he knows Mr Saqib for the last 3-4 years. He met with Mr Saqib for the last time in the office of Director some 2-3 months ago. When I was DS and the result was prepared, he had given me a cheque of Rs.750,000/- with the request to select him for the post. Photocopy of the said cheque is still with him for proving myself innocent. Mr Saqib had also offered him a Hotel at Abbottabad but he refused him. Mr Saqib had met with him through Mr Muhammad Sajjad Qureshi during the currency of interviews. He has not cashed the cheque till date because he does not takes bribe. The copy has been kept only for record.

Attested

Public Service Comm

STATEMENT OF MR RUSTAM KHAN THE THEN SUPDT (NOW RETIRED):-

10. In his statement at Annex-VII, Mr Rustam Khan has stated that scrutiny of application forms is done by Assistant and is submitted to the Supdt and the process completes after approval of Member whereas descriptive sheet for interview is prepared by Assistant, checked by Supdt and rechecked and countersigned by the Deputy Secretary. We checked everything from application form and then signed the note. Descriptive Sheets of Mr Sarfaraz and Mr Ajmal bear my signature whereas descriptive sheet of Mr Shafiqur Rehman has been signed by Mr Amir Ilyas and Mr Masood Zaman. Experience was first taken from Bachelor Degree. When it was decided to take the experience from B.Ed, the descriptive sheets were prepared by Mr Shahab in the Office of Mr Masood Zaman DS. Mr Masood called him and told that Members are asking for revised descriptive. Please signed the descriptive. Therefore, Mr Shahab printed the descriptive and he signed the same. Some descriptive sheets were signed by Mr Masood alone, some descriptive sheets were given to me for signature, some to Mr Amir Ilyas and some descriptive sheets were unsigned. Result was prepared only by Mr Masood Zaman and Mr Shahab but was signed by Mr Masood and no one else were involved. The recommendations were also sent by Mr Masood. He stated on oath that he neither know the four candidates nor has even seen them.

STATEMENT OF MR AMIR ILYAS SUPDT: -

11. In his statement (Annex-VIII), Mr Muhammad Amir Ilyas the then Assistant has stated that he used to make scrutiny of applications and prepare the descriptive sheets and then submit the same to the Supdt who after checking submit the same to the DS. Submission of applications to panels was done by Mr Masood Zaman. He signed the descriptive sheets which he himself prepared. He has carefully mentioned the correct zones of candidates in descriptive. Though he has signed the revised descriptive sheet, but the applications were lying in the Office of Mr Masood Zaman therefore, he could not check the same with application. Eligibility is done by the Member through a channel. It is possible that approval of the authority in some cases has inadvertently not be obtained. He knows Mr Ajmal, Sarfaraz and Shafiq and does not know Mr Saqibullah. Result is prepared under supervision of Director and he himself sign it. Result has neither been prepared by him nor signed. They may be called so that the case becomes clear. During interviews, he was not pressurized by any Member/ Officer.

STATEMENT OF MR MUHAMMAD SAJJAD QUREHI SUPDT:-

12. In his statement at Annex- IX, Mr Muhammad Sajjad Supdt has stated that He knows Mr Saqibullah who was referred to him by Mr Majid Khan, a Headmaster at Mansehra. He had to enquire about interviews for the post of ADO, therefore, he was sent by someone else and he did not remember that he took him or sent him to the Office of Mr Masood Zaman DS. He does not know any dealing between Saqibullah and Mr Masood Zaman because neither he met him again nor Mr Masood

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SUPERINTENDENT
KPK Public Service Commission
Peshawar.

say something about him. He came to know about this thing about 02 months ago when the matter became known to most of the persons in the office that some dealing of cheque has taken place between Mr Masood and Mr Saqibullah. As far as I remember, he did not receive call for interview. Mr Masood should not take the cheque but he took the same and kept it with him.

STATEMENT OF MR MUHAMMAD SHAHAB ASSISTANT

13. Mr Muhammad Shaheb Assistant Recruitment Wing has admitted in his statement at Annex-X that at that time he was Senior Clerk attached with Mr Masood Zaman and was typing descriptive of candidates for 05 panels of interview. The branch Assistant used to provide him application forms of the candidates and he prepared the same from application forms. He used to sit in the Office of Mr Masood Zaman DS and do the work. He had done all the entries after checking and used to give the same printing without alteration. He used to make entries and gave the same to the Assistant/ Supdt: who after checking return the same to him for correction or otherwise. He does not know that the wrong entry of the zone of Mr Shafiq Sarfaraz and Ajmal was committed by him or the Supdt./ Assistant. Result was prepared by him from descriptive in the Office of Mr Masood Zaman which was correct. He does not know how a candidate was twicely interviewed. Visitors used to come to the Office of DS including candidates but he does not know Mr Saqiq. He also does not know about the cheque given by Mr Saqib to Mr Masood.

MR SAQIBULLAH CANDIDATE

14. Mr Saqib Ullah the complainant was issued a letter dated 03.04.2015 to attached the enquiry proceedings (Annex-XI) and was telephonically contacted by Syed Ilyas Shah Deputy Director but he refused to come the Commission's Office. Another letter dated 24.04.2015 was issued was issued to Mr Saqib to attend the enquiry proceedings on 17.04.2015 (Annex-XII) but he again refused to attend the proceedings. After hat on several occasions it was tried to contact him telephonically but his phone was powered off.

STATEMENTS OF MR SARFARAZ KHAN, MR SHAFIQUR REHMAN AND MR MUHAMMAD AJMAL

15. Mr Sarfaraz Khan, Mr Shafiq ure Rehman and Mr Muhammad Ajmal were also called for personal hearing on 22.04.2015. Their statement were recorded (Annex-XIII XIV & XV). According to their statement no fault lied on their part as they had clearly mentioned their zones (Zone-3) in their applications. They did not conceal anything from the Commission.

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SUPERINTENDENT
KPK Public Service Commission
Peshawar.

FINDINGS:-

16. From the foregoing the enquiry committee came to the following conclusion: -

i) A number of gross irregularities have been committed by the staff upto the DS in the process of selection of candidates for the posts of ADOs BPS-16 in Elementary and Secondary Education Department. All of them know the legal procedures as reflected in their statements but the procedures were not followed in this case for ulterior motives.

ii) No care was taken into account in the eligibility of candidates. Candidates were made eligible for interview simply with the signature of the Dealing Assistant or Supdt or DS and approval of the competent authority i.e., Member was not obtained. Moreover, proper checking of zones of the three candidates namely Mr Sarfaraz, Mr Ajmal and Mr Shafiqur Rehman was not made for which Mr Masood Zaman DS, Mr Rustam Khan the then Supdt:, Mr Amir Ilyas the then Assistant and Mr Muhammad Shahab the then KPO are equally responsible for the gross irregularities.

iii) Due to the extremely careless attitude of the concerned staff, one candidate was twicely interviewed and was twicely recommended.

iv) The acceptance of cheque amounting to Rs.750,000/- in bribe by Mr Masood Zaman Deputy Secretary from Mr Saqib in return of selecting him for the post of ADO has been proved beyond doubt.

v) Though Mr Muhammad Sajjad Qureshi accepts that he took Mr Saqib to the Office Mr Masood Zaman for enquiry but it is not possible for a candidate to offer bribe directed to an unknown officer. There is an active role of Mr Muhammad Sajjad Qureshi in the offer of bribe by Mr Saqib to Mr Masood.

vi) All the officers/ officials involved in this case also enjoy bad reputation in the Office.

RECOMMENDATIONS:-

17. The Committee, recommends that: -

i) Mr Masood Zaman Deputy Secretary may be dismissed from service.

ii) Mr Amir Ilyas Superintendent, Mr Muhammad Sajjad Qureshi Supdt and Mr Muhammad Shahab Assistant may be removed from service. Show cause notices may be issued to the officials under Rule 5 (a) of the E&D Rules 2011.

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SUPERINTENDENT
Khyber Public Service Commission
Peshawar.

iii) As Mr Rustam Khan the then Supdt; has now retired from service. In his case, opinion of the Establishment Department may be obtained as to what punitive actions can be taken against him after his retirement.

iv) Mr Saqib Ullah may be disqualified from applying to the Commission for ever and his case be referred to the Elementary and Secondary Education Department for taking punitive action against him under the rules.

v) In pursuance of the Supreme Court ~~Decision~~ dated _____ (Annex-XXI) that if a candidate is mistakenly recommended by the Commission without any fault on his part then he will not be disturbed while proceedings will be initiated against the officials concerned. Since there is no fault on the part of the recommended candidates namely Mr Shafiq ur Rehman, Mr Sarfaraz and Mr Ajmal Khan therefore, their recommendations may not be disturbed and the case of readjustment/ reallocation may not be processed after a lapse of almost five years of the recommendations.

(Ghulam Dastagir Ahmed)
Director Recruitment
Member of the I.C.

(Prof: Dr Muhammad Farooq Swati)
Member PSC
Member of the I.C.

(Prof: Dr Sarrah Safdar)
Member PSC
Chairperson of I.C.

Attested

KPK

22 Annexure

196.	60/38	20.11.77.	Taj Alam S/O Sher Alam	FR Bannu/1
197.	60/38	16.06.81	Abdul Karim S/O Jehangir Khan	Peshawar/2
198.	60/35	17.10.61	Miftahuddin S/O Akbar Khan	Chitral/3
199.	60/35	05.03.68	Haq Nawaz S/O Ahmad Khan	Battagram/3
200.	60/35	15.06.68	Abid Hussain S/O Hissain Ghulam	Kuch Agy/1
201.	60/35	15.02.70	Muhammad Ishtiaq S/O Muhammad Ayyub	Mans-hra/5
202.	60/35	03.04.70	Ashfaq Rasool Safi S/O Ghulam Rasool Safi	Moh Agy/1
203.	60/35	14.04.71	Muhammad Arif S/O Muhammad Junaid Khan	Swabi/2
204.	60/35	12.04.73	Zamir Ahmad Khan S/O Ahmad Nawaz Khan	D.I.Khan/4
205.	60/35	16.05.73	Shakeel Ahmad S/O Muhammad Ahmad	D.I.Khan/4
206.	60/35	06.01.74	Muhammad Saleem S/O Muhammad Azeem Khan	Peshawar/2
207.	60/35	25.12.74	Zafar Khan S/O Munawar Khan	Abbottabad/5
208.	60/35	15.04.75	Jehangeer Khan S/O Shah Jehan	Peshawar/2
209.	60/35	19.11.75	Nisar Muhammad S/O Bahadar Khan	L.Marwat/4
210.	60/35	10.12.75	Zafar Iqbal S/O Amir Badshah	Peshawar/2
211.	60/35	18.06.77	Syed Mehmood ul Hassan S/O Syed Sarwar Shah	Abbottabad/5
212.	60/35	18.06.77	Khams-ul-Haq S/O Mian Habib Jan	Peshawar/2
213.	60/33	20.06.67	Waseem Fazal S/O Fazal ur Rehman	Abbottabad/5
214.	60/33	01.01.68	Muhammad Tanveer S/O Faqeer Muhammad	Abbottabad/5
215.	60/33	01.09.68	Tahir Shah S/O Qadar Shah	Mardan/2
216.	60/33	08.05.72	Raees Khan S/O Sher Zaman Khan	ATKD/3
217.	60/30	13.03.67	Shamsur Rehman S/O Hafiz Abdul Hadi	Hangu/4
218.	59/40	11.03.71	Syed Fazle Amin S/O Mir Hatem Shah	Charsadda/2
219.	59/40	11.05.72	Sahib Kamal S/O Haji Fazal Zaman	Mohmand/2
220.	59/40	04.10.72	Saeed Ahmad S/O Haji Dilber Khan	Shangla/3
221.	59/40	10.06.73	Tariq Ahmad S/O Fazal Rashid	Dir/3
222.	59/40	26.07.73	Muhammad Arshad Sharif S/O Sharif Khan	Kohat/4
223.	59/40	01.04.74	Ulfat Ali S/O Dilbar Shah	SW.Agy/1
224.	59/40	01.01.76	Qasim Ali Khan S/O Mumtaz Ali Khan	Peshawar/2
225.	59/40	03.01.79	Muhammad Kamran S/O Laiq Shaoor	Karak/4
226.	59/40	06.03.79	Abdus Sattar Ali Shah S/O Gul Afzal Ali Shah	Bannu/4
227.	59/38	05.01.65	Muhammad Ibrahim Siddiq ul Haq S/O Abdul Hameed	Charsadda/2
228.	59/38	10.03.70	Fazli Malik S/O Abdul Hadi	Mardan/2

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NWFP Public Service Commission
Peshawar.

262.	59/35	01.03.72	Moheb ur Rehman S/O Muhammad Luqman	NWA/1
263.	59/35	01.07.72	Sajid Ahmad S/O Abdur Rauf	Peshawar/2
264.	59/35	12.04.73	Muhammad Amir S/O Saad Ullah Jan	Nowshera/2
265.	59/35	01.01.74	Barkatullah S/O Shah Gulab	Dir/3
266.	59/35	08.03.74	Sanaullah S/O Muhammad Sher Khan	FR Bannu/1
267.	59/35	01.02.75	Samu ur Rahman S/OSiraj ur Rahman	Mardan/2
268.	59/35	03.04.75	Muhammad Zahir Shah S/O Ghulam Qadir	Dir/3
269.	59/35	03.03.78	Riaz Ahmed S/O Sher Ahmed	Chitral/3
270.	59/35	01.02.79	Hafiz Maqbool Khan S/O Khair Ullah Khan	Bannu/4
271.	59/33	01.04.68	Dilawar Khan S/O Sahib Jamal	Karak/4
272.	59/33	01.08.72	Shamroz Khan S/O Nairoz Khan	Swat/3
273.	58/45	01.01.74	Nadeem S/O Abdul Qayyum	Mansehra/5
274.	58/40	05.03.77	Miraj Ahmad Khan S/O Ibadat Khan	Chitral/3
275.	58/38	29.10.65	Ghulam Jilani S/O Darwaish	Mansehra/5
276.	58/38	20.03.70	Syed Mehmood ul Hassan S/O Syed Sarwar Shah	Abbottabad/5
277.	58/38	04.03.71	Aziz Khan S/O Abdul Gafoor	Mardan/2
278.	58/38	01.01.73	Abdul Wali Khan S/O Mehboob Wali Khan	Chitral/3
279.	58/38	15.04.73	Rab Nawaz S/O Gul Dad Khan	Abbottabad/5
280.	58/38	15.07.73	Bashir Ahmad S/O Mir Muhammad	Mardan/2
281.	58/38	14.04.74	Saqib Ullah S/O Rafi Ullah	Mansehra/5
282.	58/38	16.04.74	Jehan Zeb Ali S/O Fariq Khan	Moh Agy/1
283.	58/38	03.05.76	Anzar Ali S/O Zahir Shah	Haripur/5
284.	58/38	11.11.76	Sung e Faris S/O Malook	Moh Agy/1
285.	58/38	14.02.77	Muhammad Tufail S/O Qazi Gul Muhammad	Peshawar/2
286.	58/38	10.05.77	Anwar Adil S/O Saif ur Rahman	Mardan/2
287.	58/38	10.09.77	Muhammad Ejaz S/O Mir Sahib Khan	S.W Agy/1
288.	58/38	02.01.78	Muhammad Shah Zeb Gul S/O Bad Shah Gul	
289.	58/38	03.01.78	Muhammad Usman S/O Muhammad Yahya	Swabi/2
290.	58/38	03.02.79	Sajid ur Rehman S/O Sher Bahadar	Karak/4
291.	58/38	03.01.80	Aqal Wazir S/O Gul Nazir	FR Lakki/1
292.	58/35	10.11.65	Zia ur Rahman S/O Inayat ur Rahman	Chitral/3
293.	58/35	01.09.66	Muhammad Asif Iqbal Khan S/O Muhammad Iqbal Khan	Nowshera/2
294.	58/35	10.02.68	Bacha Jan S/O Gul rehman	Chat sadda/2

Annex-G

23

(26) (27) (28) twicely (29) (30)

Last Selectee in Zone-5

Attested

Attested

SUPERINTENDENT
KPK Public Service Commission
Peshawar.

Annx-C3

24

Telephone No: 091-9212962

KHYBER PAKHTUNKWA PUBLIC SERVICE COMMISSION
2-FORT ROAD PESHAWAR CANTT.

No. KP/PSC/Admn/ 19105-55

Date: 22/2/18

From:
Secretary,
Public Service Commission,
Peshawar.

To,

Mr. Amir Ilyas Superintendent (BPS-17),
Khyber Pakhtunkhwa Public Service Commission.

Subject: **SHOW CAUSE NOTICE**

Enclosed find herewith a copy of Show Cause Notice duly approved/signed by Governor Khyber Pakhtunkhwa (Competent Authority) alongwith finding of enquiry report for information and further necessary action at your end.

SECRETARY
PSC

Encl: As above.

Copy to:

1. PS to Chairman Khyber Pakhtunkhwa PSC for information.

SECRETARY
PSC

O/C

Attested

SUPERINTENDENT
Public Service Commission
Peshawar

ANNX "D"

25

Mr. Amir Hayat (Then Head Assistant)

1. When did you join the commission?
2. What position/post did you join?
3. What were your duties as a junior clerk?
4. How long you worked at this office?
5. When you were promoted as senior clerk and what duties you performed?
6. When were you promoted consequently and what post did you hold at that time?
7. What were your responsibilities as Assistant?
8. How long did you work on this post?
9. Which post you were promoted later on?

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Public Service Commission
Peshawar.

26

Transferred from Health Dept, and you were in Education Dept as well?

When did you join the Education Dept.

What were your responsibilities as an Assistant.

Did you prepare and sign the descriptive sheet and who were involved in doing this?

Who would hand over the descriptive sheet to the member?

Are you responsible for the descriptive sheet/s you prepared?

To whom did you handed over the D/sheets signed by you?

When all the three signed the D/sheets, who delivered them to the Madam?

Attested

SUPERINTENDENT
Public Service Commission
Peshawar.


ساجد
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3
1

Part - III

27 02-04-2018

P.3

Amir Ilyas

How panels were formed? And who delivered the file and marked the attendance.

Did you sign the D/sheets which you prepared?

While preparing the D/sheets where from did you fill-in the details?

Do you remember that you ever made any mistake while recording Zone(s) on the D/sheet

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Public Service Commission
Peshawar.

28

Part - IV

02-04-2

P.4

(31)

M. Amir Ilyas

(4)

How did you process the eligibility criteria determin

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Public Service Commission
Peshawar.

Annex Flyer

How it comes that a candidate Mr. Shafiqur Rehman has indicated in his documents Zone-3 but the D/sheet which you have signed records Zone-5?

Do you remember that the D/sheet(s) were processed with a single signature or no signature at all? Particularly will your signature

3. M. Jamshid, Mr. Zahir Shah, Mr Arshad Ali were the candidates and their eligibility criteria was signed only by you no other person signed it.

Why? are there ~~any~~ ~~direct~~ to sign the document? ~~the document~~ what

4. In case any ~~is~~ you ~~to~~ rectify the document?

Attested

KPK

Part- VI (65) 30 02-04-2015

P.6

Rahmia Ilyas

Since of three Candidates was changed (Mr Ismail, Mr. Sarfaraz, Mr Shafique, the candidate), Do you know anyone of them?

The Respondent, Mr. Sajjad Ali, Do you know him?

Can you tell us how the result is compiled and who sign it?

Attested

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Public Service Commission
Peshawar.

Part - VII

31 02-04-2015 P. 7

Mr. Amir Ilyas

You were Assistant of the branch but the result ~~that was prepared~~ was not signed by you [why?]

2. Did you experience any pressure from any member of the commission or anyone else, especially in the case under investigation?

3. Do you know ~~that~~ in those days either people complained against the procedure or questions about the integrity of some members or employees were raised?

Attested
MK
SUPERINTENDENT
Public Service Commission
Peshawar.

ANNEXURE "B"

(1) میں نے بی ایس سوشیالوجی 1984ء میں کیا۔

(2) میں نے فرسٹ ڈویژن حاصل کی تھی۔

(3) میں نے ڈائریکٹ سلیکشن میں کام کیا ہے۔ میں سلیکشن
6 یا 7 سال تک میں نے کام کیا ہے۔

(4) سینئر کلرک سے 1991ء میں پروموٹ ہوئی تھی۔
فوراً میں نے کمپیوٹر اور ورڈ پروسیسنگ کا کام شروع کیا۔

(5) تقریباً 95 یا 96 میں میں نے کمپیوٹر کا کام شروع کیا۔
پراجیکٹ میں اسسٹنٹ کا کام شروع کیا۔

(6) ریگولر سلیکشن میں ڈائریکٹ سلیکشن
شروع کیا۔ اس سلیکشن میں تقریباً
اڈھائی سال تک میں ڈائریکٹ سلیکشن میں کام کیا
اس کے بعد 1991ء میں سینئر کلرک کا امتحان پاس کیا

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SUPERINTENDENT
NWFP Public Service Commission
Peshawar.

33

A. Hestad

SUPERINTENDENT
Public Service Commission
Peshawar.

پنل بنانا سپروائزر کا کام تھا۔

وہ سوالات پنل مارک کرتا تھا۔ اور اس کے کہنے کے مطابق ہی اس پنل میں کارروائی کروائے گئے۔

(11) ڈسٹرکٹ ہیڈ کوارٹر میں بنا رہے تھا۔ جہاں پر ہمارا دستخط ہوتا تھا۔

(12) میں ڈسٹرکٹ ہیڈ درخواست فارم سے لفظ نہیں کرتا تھا۔

(13) زون میں میں نے کافی اضلاع اور ہائی کمیٹی کیا ہے۔

Tadoor
2.4.15

Attested

HPR

Attested

SUPERINTENDENT
KPK Public Service Commission
Peshawar.

35

Revise

(16)

Ineligible

18 ثاقب اللہ کو میں بالکل نہیں جانتا میرا اس سے کوئی تعلق نہ ہے

19 ریزائن: ڈپٹی کمشنر صاحب کے نگران میں ہے

ڈپٹی کمشنر صاحب کے ماتحت ہے اور وہ ڈپٹی کمشنر صاحب کو رپورٹ کرتا ہے

ریزائن صاحب ممبر ہے ڈپٹی کمشنر صاحب کو رپورٹ کرتا ہے ڈپٹی کمشنر صاحب ریزائن کے سپرنٹنڈنٹ کو بلاتا ہے

ڈپٹی کمشنر اور بعد ازاں ریزائن صاحب کو رپورٹ کرتا ہے

Attested

SUPERINTENDENT
Public Service Commission
Peshawar.

38

Attested

SUPERINTENDENT
KPK Public Service Commission
Peshawar.

Annx. F

39

KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

NOTIFICATION

No.KP/PSC/Admn/GF-521/ Mr. Amir Ilyas Superintendent (BPS-17) (thereinafter referred to as accused) Khyber Pakhtunkhwa Public Service Commission was proceeded against under the Khyber Pakhtunkhwa Government Servant (E&D) Rules, 2011 on account of irregularities committed in the selection process of Assistant District Officer (Male) (BPS-16) in Elementary and Secondary Education Department advertised vide Public Service Commission Advertisement No.05/2009; and

WHEREAS, an inquiry Committee, consisting of Member-I, Member-VI and Director Recruitment Khyber Pakhtunkhwa Public Service Commission was constituted; and

WHEREAS, the inquiry committee after having examined the charges, evidence on record and explanation of the accused officer, submitted its report wherein imposition of major penalty of removal from service was recommended; and

WHEREAS, show cause notice was served upon the accused officer in pursuance of Rule-5 (1) (a) of Khyber Pakhtunkhwa Government Servant Efficiency and Discipline Rules, 2011 conveying therein tentative decision of Removal from service; and

WHEREAS, the accused officer was provided an opportunity of personal hearing by the Competent Authority on 07.01.2016 to defend himself. The accused officer during the personal hearing reiterated his previous stance and failed to defend himself and did not add any new fact: Now

THEREFORE, the Governor Khyber Pakhtunkhwa being Competent Authority, in exercise of powers conferred upon him under Rule 4 (b) of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 has decided to confirm tentative major penalty of Removal from Service of Khyber Pakhtunkhwa Public Service Commission

Pursuant to the above, Mr. Amir Ilyas Superintendent (BPS-17) Khyber Pakhtunkhwa Public Service Commission stands removed from the service of Khyber Pakhtunkhwa Public Service Commission with immediate effect.

Sd/-
CHAIRMAN PSC
Dated: 15/1/16

No.KP/PSC/Admn/GF-521/1978-84

Copy forwarded to:-

1. Secretary to Governor Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Accountant General, Khyber Pakhtunkhwa Peshawar.
4. PS to Chief Secretary, Khyber Pakhtunkhwa.
5. PS to Secretary Establishment, Khyber Pakhtunkhwa.
6. Mr. Amir Ilyas Superintendent, Address: PO Yaghi Band Miana, Tehsil & Distt. Peshawar.
7. Personal file of officer concerned.
8. Office Order file.

SECRETARY
PSC

Attested

SUPERINTENDENT
Public Service Commission
Peshawar

N.W.F.P. PUBLIC SERVICE COMMISSION:PESHAWAR.

OFFICE ORDER

Mr Amir Ilyas Junior Clerk is hereby granted 30 days earned leave on full pay with effect from 8.8.1988 to 6.9.1988.

Mr Akhtar Ali Junior Clerk will look-after his work during his leave period.

(Asghar Ali Khan)
Secretary

No.10033-Admn:- 5838-42 Dated 2/8 1988.

Copy forwarded to:-

1- Mr Amir Ilyas Junior Clerk.
2- Mr Akhtar Ali Junior Clerk.
3- The Accountant General, NWFP Peshawar.
4- Officer Order file.
5- The Bill Clerk of this Office.
6- P/file.

Secretary

SUPERINTENDENT
Public Service Commission
Peshawar.

Attested

ANNX F1

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41

N.W.F.P. PUBLIC SERVICE COMMISSION PESHAWAR

NWFP PUBLIC SERVICE COMMISSION PESHAWAR.

OFFICE ORDER

Cr. t... lv.l ...r/Staff and promotion of ... the following postings/adjustments wit. in the ...

1. The earned leave on medical groundstsanctioned vide office order NO. 10033-Admn-93/10251-55 dated 14.7.1993 is hereby extended by a further peried of 6 days i.e upto 21.7.1993.

In favour of Mr Amir Ilyas J/Clerk.

Telegraphic Address: Publicservice Peshawar

Telephone No. 7448

25.7.93
Secretary

NO. 10033-Admn-93/ 10706-10 Dated 26-7-93

Copy to:-

1- The Accountant General NWFP, Peshawar.
2. The Supdt:Accounts PSC for information.
3. The Bill Clerk of this office.
4. The official concerned.
5. Office order file.

The Accountant General,
N.W.F.P. Peshawar.

25.7.93
Secretary

No. 10011-Admn:-93/ 875 Dated 29/6/93

29/7/93

Subject: APPLICATION OF MR AMIR ILYAS J/CLERK FOR THE GRANT OF SCOOTOR ADVANCE.

Enclosed please find an application of our ... official in prescribed format on the ... alongwith his Service Book for ... registration.

The Registration number alloted may please be intimated to this office.

(Ghulam Rasool Khan)
Secretary

Attested

RPK

42

NWFP PUBLIC SERVICE COMMISSION PESHAWAR.

OFFICE ORDER

Mr Amir Ilyas Junior Clerk is hereby granted 5 days earned leave on full pay w.e.f 11.7.93 to 15.7.1993 on medical grounds.

On expiry of leave, he is likely to return to his own post.

SECRETARY

NO. 10033-Admn-93/ 10251-55 Dated 14-7-93

Copy to:-

1. The Accountant General NWFP, Peshawar.
2. The Supdt: Accounts PSC for information.
3. The Bill Clerk of this office.
4. The official concerned.
5. Office Order File.
6. Spare.

13.7.93
SECRETARY

Attested

Telephone No.

43

From : Secretary,
Public Service Commission,
Peshawar Cantt.

To :

Mr Amir Ilyas Khan,
Cashier, NWFP PSC,
Peshawar.

No. 10033-Admn/95/16203-07 **Dated** 11/7/95.

Subject : **E X P L A N A T I O N.**

It has been reported by your Superintendent on the attendance Register that you had not arrived upto 8:45 am today, which is not only against the office discipline but the office work also suffers very badly.

You are therefore, called-upon to explain your position as to why action may not be taken against you under the E&D Rules, 1973. Your reply must reach the under-signed on or before 18.07.95 positively.

Secretary

Copy to Supdt: Accounts for information.

Secretary

11/7/95

A Hestell 11.7.95

SUPERINTENDENT
Public Service Commission
Peshawar.

Telephone No. 272812

44

From: Secretary,
Public Service Commission.
Peshawar Cantt.

To :

Mr Amir Ilyas,
Cashier, PSC.

No. 5033-Admn/95/ 17931-32 Dated 1-8-95

Subject: E X P L A N A T I O N

On 19.7.95, you were directed through Mr Samiullah Supdt: Accounts to receive a cheque demand draft for a sum of Rs. 2500/- deposited by Mr Imtiaz Ahmed, Ex-Assistant PSC on account of one month notice for tending his resignation which was received by you but after a lapse of 2 weeks, you did not report that you have carried out the directions of the undersigned.

2. As such, you are directed to explain your positions regarding your negligence in the above duty as to why not disciplinary action should be taken against you. Your reply should reach the undersigned within a week.

3. A copy of the explanation be placed on the Personal File of the Cashier.

(Gul Rehman)
Secretary

Endst: No. & Date as above.

Copy to :-

Mr Samiullah Supdt: Accounts to explain as to why he did not supervise the performance of the Cashier. In case of non-attendance of the assignment given to the Cashier through Supdt: why it was not reported to me against Cashier that he has not done his duty. A copy of this counselling letter be placed on Personal File of Mr Samiullah Superintendent.

Attested

KPK

(Gul Rehman)
Secretary

45

Telephone No: 091-9212962

KHYBER PAKHTOONKWA PUBLIC SERVICE COMMISSION
2 Fort Road Peshawar Cantt.

No. 41957

Date: 24/8/10

From:
Secretary,
Public Service Commission,
Peshawar.

To

Mr.Amir Ilyas,
Assistant, Khyber Pakhtoonkhwa PSC.

Subject: - **WARNING**

Reference yours reply in response to explanation letter **No 411476** dated **13-08-2010,** which was examined and found unconvincing and unsatisfactory. Dereliction in official duty is not tolerated on any count.

You are therefore, **Sternly Warned** to be careful in future and prove yourself to be a good and well disciplined staff member; otherwise strict disciplinary action will be taken against you.

SECRETARY
PSC

24/8/10

Attested

SUPERINTENDENT
Public Service Comm
Peshawar.

KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

OFFICE ORDER

Mr. Amir Ilyas Superintendent (BPS-16) Recruitment Branch, Khyber Pakhtunkhwa Public Service Commission is hereby granted one hundred and twenty (120) days E/Leave on full pay w.e.f **05-06-2012** to **04-10-2012** for the purpose of reconstruction of his house.

Mr. Ilyas Shah Superintendent (BPS-16) Recruitment Branch, is hereby directed to look after his seat till the expiry of his leave.

On expiry of leave he will report to his own post and place of duty.

Sd/-
CHAIRMAN
PSC

No:10033-Admn 034837-42 Dated: 03/07/2012

Copy to: -

1. The Accountant General, Khyber Pakhtunkhwa Peshawar.
2. The Director Recruitment, Khyber Pakhtunkhwa PSC.
3. The Accounts Officer, Khyber Pakhtunkhwa PSC.
4. The Cashier, Khyber Pakhtunkhwa PSC.
5. Officers concerned.
6. Personal files of Officers.
7. Office order file

SECRETARY
PSC

Attested

SUPERINTENDENT
Khyber Public Service Commission
Peshawar.

Telephone No: 091-9212962

KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION
2 Fort Road Peshawar Cantt.

47

No.KP/PSC/Admn/GF-405

Date: 29/10/2013

From:
Secretary,
Public Service Commission,
Peshawar.

To

1. Mr. Amir Ilyas, Superintendent (BPS-16),
   Khyber Pakhtunkhwa PSC.
2. Mr. Javed Assistant (BPS-14),
   Khyber Pakhtunkhwa PSC.

Subject: **EXPLANATION**

It has been reported by the Examination Branch that proposed schedule for conducting tests in various subjects in the month of November and December, 2013 was issued to you with the instruction to check the said schedule within three days and in case any discrepancy is found in number of candidates to be called for test the same be pointed out for rectification before issue of schedule to the Information Department for publication. However, you did not point out any discrepancy in the said draft schedule within the stipulated time as such a press note was sent to the Information Department on 25.10.2013 for publication and was uploaded on website of the Commission accordingly for information of the public/intending candidates. Then on the same date i.e. 25.10.2013, you pointed out discrepencies in number of candidates as 205 instead of 189 against the post of Junior Scale Stenographer (BPS-14) in Zakat, Usher, Social Welfare and Women Development Department and 116 instead of 14 against the post of Senior Scale Stenographer (BPS-16) in Irrigation Department, which put the Examination Branch in trouble and they faced difficulties in reservation of Examination Halls and printing of papers etc.

You are therefore, called upon to explain the reason as to why you should not be proceeded against under E&D Rules, 2011 for your negligence in the discharge of your official duties. Your written reply must reach to the undersigned within 03 days of the receipt of this letter failing which exparte action will be taken against you and your case will be decided on merit presuming that you have nothing in your defence.

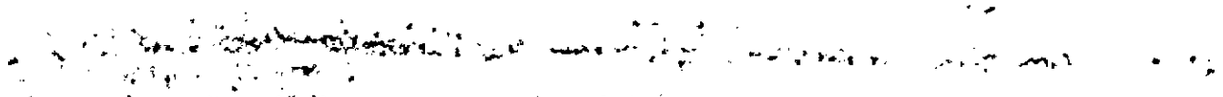
SECRETARY
PSC

Copy to:

1. Director Examination, Khyber Pakhtunkhwa PSC.
2. Director Recruitment, Khyber Pakhtunkhwa PSC.
3. PS to Chairman, Khyber Pakhtunkhwa PSC.

Attested

SUPERINTENDENT
Public Service Commission
Peshawar



Telephone No.

(Registered)

From : Secretary,
Public Service Commission.
Peshawar Cantt.

To :

The Superintendent, of Police,
~~Tehsil~~ & District, Charsadda.

No. 1033-Admn/99/ 545 Dated 20/6/

Subject : **ABSENCE FROM DUTY.**

Mr Amir Ilyas S/O Mirza Khan, Senior Clerk, NWFP PS is absent from duty since 28.05.99. It has been reported tha he is allegedly involved in some crimimal case occured in t jurisdiction of Police Station, Batagram.

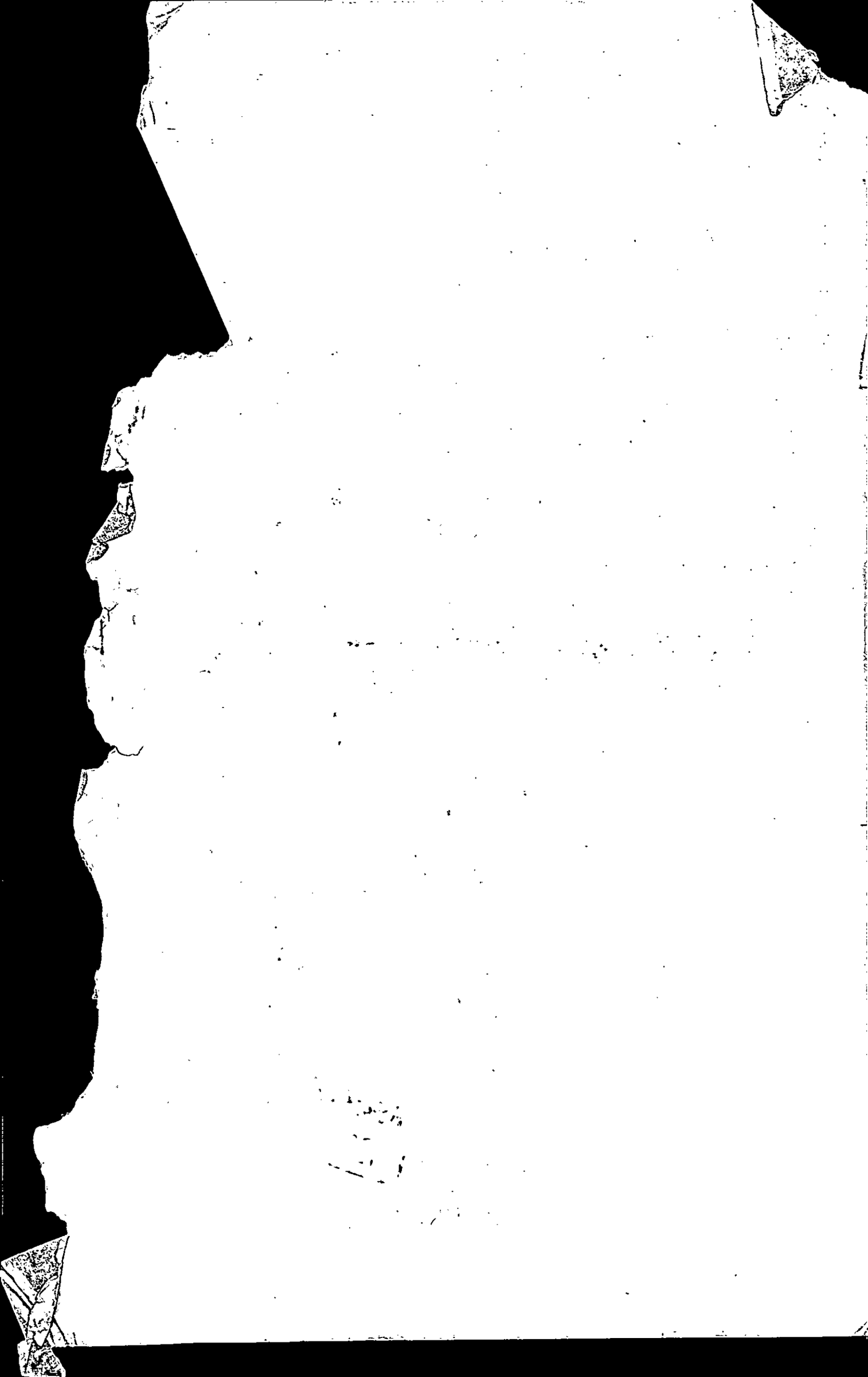
It is requested that the involvement of the absent official may be clarified, confirmed & report to this Commis office for further necessary action. A copy of F.I.R., may be sent please.

Yours Truely,

(FAZAL-E-REHMANI)
Secretary

c/c

Attested



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. /2016

Amir Ilyas, Ex-Superintendent Khyber Pakhtunkhwa Public Service Commission. Peshawar.....APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa Peshawar and others..... RESPONDENTS

REJOINDER TO PARA WISE COMMENTS OF RESPONDENTS NO. 1, 2, 3, & 4.

Respectfully Shewth :

Para wise reply to the preliminary objections

1. Para No:1 of the preliminary objections is incorrect. The appellant has got a good prima fecia case.
2. Para No:2 of the preliminary objections is also incorrect. The allegations/grounds of appeal of the appellant are true & well founded.
3. Para No:3 of the preliminary objections is also incorrect. The appellant is an aggrieved person & approached the honorable Court with clean hands.
4. Para No:4 of the preliminary objections is also incorrect. No proper procedure has been followed by the respondents; hence injustice & discrimination have been done to the appellant.
5. Para No:5 of the preliminary objections is also incorrect. The appeal in hand is based on true facts & on the lawful grounds.
6. Para No:6 of the preliminary objections is also incorrect.
7. Para No:7 of the preliminary objections is also incorrect. As in the precedent para's stated the appeal is based on true facts.
8. Para No:8 of the preliminary objections is also incorrect. Detail reply has already been given in the above para wise reply.
9. Para No:9 of the preliminary objections is also incorrect. All the acts of the respondents are against Law, real facts & with malafide intention.

10. Para No:10 of the preliminary objections is also incorrect, misleading. No cupper procedure under the law has been adopted for declaring the appellant guilty.

FACTS

1. Para No: 1 of the comments is based on malafide hence denied. There is no solid evidence against appellant upon the base of which the appellant has been punished.
2. Para No: 2 of the comments need no reply to the extent of appointment of the appellant as junior clerk, however the rest of the para in shape of allegation of enjoying bad reputation in the office against appellant is baseless, malicious and vague term added by the Preliminary Enquiry Committee in its findings beyond its domain (TORs) just for giving weight to the former charges, which is unfounded, unheard, uncalled for and mere an allegation without any concrete documentary proof and evidence in support of said allegation. There is no complaint against the appellant during more than 30 years service. The appellant has been assigned duties as deputy Supervisor, representative, invigilator on different examinations and expertise during his service and the work and conduct of the appellant was always appreciated and the appellant earned excellent ACRs from the superiors, that is why got promoted from junior clerk to the present post of superintendent All my junior, colleagues and officers have acknowledge the character of the appellant during service.
3. Para No: 3 need no comments.
4. Para No: 4 of the comments is Incorrect. The allegation of providing official record to the candidate is a fresh/new allegation based on guess of answering respondents which is baseless, unfounded, uncalled for and without any conclusive proof. The appellant is not involved in any manner with providing any such type of documents to the complainant.

5-8 Need no comments to the extent of advertisement and recommendation of post of ADO (BPS 16), interviews, recommendations; however the appellant was never offered any bribe by any Saqib Ullah nor the appellant involved in any such type of dealing with any one. No official record was provided to the complainant by the appellant. Moreover, the preliminary enquiry committee called the appellant for answering their questions; the appellant gave

detailed reply to their questions according to actual facts. The said preliminary enquiry committee beyond its domain (TORs) leveled the allegations against the appellant and recommended penalty as mentioned in the comments (Para 5 to 8).it is pertinent to mention here that for imposing penalty on the appellant no departmental regular / full fledged enquiry was conducted, serving charge sheet, statement of allegation, providing fair chance of self defense, proper personal hearing, none of the statement recorded in presence of the appellant nor provided opportunity of cross examination. The competent authority issued direct show cause notice without passing orders of dispensing with the enquiry which is mandatory under Rule-7 of the E&D Rules, 2011. The appellant has given a detailed reply to all the allegations and defense through reply to show cause notice and review petition but the competent authority imposed the penalty of removal from service of the appellant with solitary charge of committing irregularities in selection process of ADOs on the bases of irregular and illegal inquiry. For convinces of the learnt tribunal to reach a just and fear conclusion the appellant reiterates the following grounds for perusal which reveals innocence of the appellant in the said charges;

I. The preliminary inquiry committee called the appellant and placed written questionnaire for giving replies sitting before them without giving time and opportunities for production of documentary evidence in defense.

II. The preliminary inquiry committee leveled this allegation beyond its domain (TORs) on the basis of speculation/fiction of mind/imaginary consideration/doubt/assumption without any evidence in support of allegation and conclusively proving same.

III. None of all the sitting members of the Commission including Preliminary Enquiry Members were part of selection of ADOs in 2010, 2011 when interviews of ADOs conducted and interview result and recommendations finalized with approval of the then full Commission. How, a past and closed transaction finalized with the approval of the then Commission can be termed as gross irregularities by the Members of the Preliminary Enquiry Committee without recording their statement and consent, hence the whole proceeding

adopted by the respondents & order of removal from services of the appellant is against Law & real facts.

GROUNDS

A. Incorrect. The whole procedure adopted by the respondents till removal from service of the appellant was not in consonance with the provisions of E&D Rules, 2011. Hence, the order of removal from service of the appellant is illegal, unlawful and not based on real facts.

B. Incorrect. The Chairman PSC constituted Preliminary Enquiry Committee so as to probe facts and fix responsibility within the parameters of its TORs but the said committee beyond its domain (TORs) leveled allegations and recommended penalty of removal from service of appellant without any solid evidence. No regular departmental enquiry was conducted; hence the whole procedure adopted by the respondents till the order of removal from service of the appellant is against the Law and real facts.

C. Incorrect. Detailed reply to the allegations has been given in the above mentioned parawise reply to the comments.

D. Incorrect. The Preliminary Enquiry Committee was bound to probe and fix responsibility for the lapses if occurred but it did not have the mandate to establish allegations which has not been done in the instant case and recommend imposition of penalty on the appellant. Under the E&D Rules, 2011 enquiry can be dispensed with by the competent authority in cases where guilt is proved with documentary proof and beyond the shadow of doubt, but in the case of appellant charges have not been established by the Preliminary Enquiry Committee beyond shadow of doubt nor the competent authority dispensed with enquiry passing orders and reasons recorded in black and white before issuing show cause notice.

E. Incorrect. Detailed reply has already been given in the above mentioned parawise reply to the comments of the respondents.

F. Incorrect. Detailed reply has already been given in the above mentioned parawise reply to the comments of the respondents.

G. Incorrect. No documentary proofs are available on the bases of which the appellant was penalized.

H. Incorrect. The appellant was declared guilty just on the bases of surmises and conjuncture. The competent authority issued show cause notice on the recommendation of the preliminary inquiry committee for the charges even not established beyond the shadow of doubt and without passing order of dispensing with the enquiry which was mandatory under the E&D rules 2011 and removed the appellant from service. The review petition of the

appellant was rejected with no good grounds and not a speaking order. Thus the removal order of respondents is not sustainable in the eyes of Law and due process of Law not fulfilled in the removal process of appellant.

I. Incorrect. The whole procedure adopted by the competent authority is against the Law, proper procedure.

J. Incorrect. The appellant had never been found guilty for any offence and any punishment during his whole service career nor involved in any illegal activities during his service. The annexed documents with the comments of the respondents in shape of warnings and explanation were duly explained at that time to the competent authority upon which the competent authority duly satisfied regarding the innocence of the appellant.

K. Incorrect. Detailed reply has already been given in the above mentioned parawise reply to the comments of the respondents

In view of the above, it is humbly prayed that the removal from service order dated 15.01.2016 and rejection of review petition order dated 18.04.2016 of the answering respondents may kindly be set aside with cost along-with all back and consequential benefits allowing compensation for damaging career and putting in mental torture to the appellant despite innocence.

Appellant

Through

Jehanzeb Khalil Advocate
High Court Peshawar.

Dated: 15/02/2017

AFFIDAVIT:

It is hereby solemnly affirm and declared on oath that all the contents of the re-joinder are true and correct to the best of my knowledge and belief and nothing has been canceled from this Honourable Court.

DEPONENT

ATTESTED

Distt. Courts Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. /2016

Amir Ilyas, Ex-Superintendent Khyber Pakhtunkhwa Public Service Commission, Peshawar.....APPELLANT

VERSUS

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FACTS

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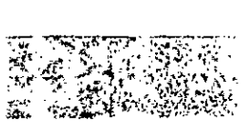
III. None of all the sitting members of the Commission including Preliminary Enquiry Members were part of selection of ADOs in 2010, 2011 when interviews of ADOs conducted and interview result and recommendations finalized with approval of the then full Commission. How, a past and closed transaction finalized with the approval of the then Commission can be termed as gross irregularities by the Members of the Preliminary Enquiry Committee without recording their statement and consent, hence the whole proceeding



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Through

Jehanzeb Khalil Advocate
High Court Peshawar.

Dated: 15/02/2017

AFFIDAVIT:

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DEPONENT

ATTESTED

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Service Appeal No. /2016

Amir Ilyas, Ex-Superintendent Khyber Pakhtunkhwa Public Service Commission, Peshawar.....APPELLANT

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3. Para No: 3 need no comments.
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5-8 Need no comments to the extent of advertisement and recommendation of post of ADO (BPS 16), interviews, recommendations; however the appellant was never offered any bribe by any Saqib Ullah nor the appellant involved in any such type of dealing with any one. No official record was provided to the complainant by the appellant. Moreover, the preliminary enquiry committee called the appellant for answering their questions; the appellant gave

detailed reply to their questions according to actual facts. The said preliminary enquiry committee beyond its domain (TORs) leveled the allegations against the appellant and recommended penalty as mentioned in the comments (Para 5 to 8).it is pertinent to mention here that for imposing penalty on the appellant no departmental regular / full fledged enquiry was conducted, serving charge sheet, statement of allegation, providing fair chance of self defense, proper personal hearing, none of the statement recorded in presence of the appellant nor provided opportunity of cross examination. The competent authority issued direct show cause notice without passing orders of dispensing with the enquiry which is mandatory under Rule-7 of the E&D Rules, 2011. The appellant has given a detailed reply to all the allegations and defense through reply to show cause notice and review petition but the competent authority imposed the penalty of removal from service of the appellant with solitary charge of committing irregularities in selection process of ADOs on the bases of irregular and illegal inquiry. For convinces of the learnt tribunal to reach a just and fear conclusion the appellant reiterates the following grounds for perusal which reveals innocence of the appellant in the said charges;

I. The preliminary inquiry committee called the appellant and placed written questionnaire for giving replies sitting before them without giving time and opportunities for production of documentary evidence in defense.
II. The preliminary inquiry committee leveled this allegation beyond its domain (TORs) on the basis of speculation/fiction of mind/imaginary consideration/doubt/assumption without any evidence in support of allegation and conclusively proving same.
III. None of all the sitting members of the Commission including Preliminary Enquiry Members were part of selection of ADOs in 2010, 2011 when interviews of ADOs conducted and interview result and recommendations finalized with approval of the then full Commission. How, a past and closed transaction finalized with the approval of the then Commission can be termed as gross irregularities by the Members of the Preliminary Enquiry Committee without recording their statement and consent, hence the whole proceeding

adopted by the respondents & order of removal from services of the appellant is against Law & real facts.

GROUNDS

A. Incorrect. The whole procedure adopted by the respondents till removal from service of the appellant was not in consonance with the provisions of E&D Rules, 2011. Hence, the order of removal from service of the appellant is illegal, unlawful and not based on real facts.

B. Incorrect. The Chairman PSC constituted Preliminary Enquiry Committee so as to probe facts and fix responsibility within the parameters of its TORs but the said committee beyond its domain (TORs) leveled allegations and recommended penalty of removal from service of appellant without any solid evidence. No regular departmental enquiry was conducted; hence the whole procedure adopted by the respondents till the order of removal from service of the appellant is against the Law and real facts.

C. Incorrect. Detailed reply to the allegations has been given in the above mentioned parawise reply to the comments.

D. Incorrect. The Preliminary Enquiry Committee was bound to probe and fix responsibility for the lapses if occurred but it did not have the mandate to establish allegations which has not been done in the instant case and recommend imposition of penalty on the appellant. Under the E&D Rules, 2011 enquiry can be dispensed with by the competent authority in cases where guilt is proved with documentary proof and beyond the shadow of doubt, but in the case of appellant charges have not been established by the Preliminary Enquiry Committee beyond shadow of doubt nor the competent authority dispensed with enquiry passing orders and reasons recorded in black and white before issuing show cause notice.

E. Incorrect. Detailed reply has already been given in the above mentioned parawise reply to the comments of the respondents.

F. Incorrect. Detailed reply has already been given in the above mentioned parawise reply to the comments of the respondents.

G. Incorrect. No documentary proofs are available on the bases of which the appellant was penalized.

H. Incorrect. The appellant was declared guilty just on the bases of surmises and conjuncture. The competent authority issued show cause notice on the recommendation of the preliminary inquiry committee for the charges even not established beyond the shadow of doubt and without passing order of dispensing with the enquiry which was mandatory under the E&D rules 2011 and removed the appellant from service. The review petition of the

appellant was rejected with no good grounds and not a speaking order. Thus the removal order of respondents is not sustainable in the eyes of Law and due process of Law not fulfilled in the removal process of appellant.

I. Incorrect. The whole procedure adopted by the competent authority is against the Law, proper procedure.

J. Incorrect. The appellant had never been found guilty for any offence and any punishment during his whole service career nor involved in any illegal activities during his service. The annexed documents with the comments of the respondents in shape of warnings and explanation were duly explained at that time to the competent authority upon which the competent authority duly satisfied regarding the innocence of the appellant.

K. Incorrect. Detailed reply has already been given in the above mentioned parawise reply to the comments of the respondents

In view of the above, it is humbly prayed that the removal from service order dated 15.01.2016 and rejection of review petition order dated 18.04.2016 of the answering respondents may kindly be set aside with cost along-with all back and consequential benefits allowing compensation for damaging career and putting in mental torture to the appellant despite innocence.

Appellant

Through

Jehanzeb Khalil Advocate
High Court Peshawar.

Dated: 15/02/2017

AFFIDAVIT:

It is hereby solemnly affirm and declared on oath that all the contents of the re-joinder are true and correct to the best of my knowledge and belief and nothing has been canceled from this Honourable Court.

DEPONENT

ATTESTED