

## **BEFORE THE SERVICE TRIBUNAL, PESHAWAR**

#### SERVICE APPEAL NO. 1409/2023

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Mr. IRFAN ALAM.

.....APPELLANT

#### **VERSUS**

#### Govt: of Khyber Pakhtunkhwa & Others

.....RESPONDENTS

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#### DEPONENT

#### Through

Mar-d. SECTION OFFICER (LIT-II)

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

#### SERVICE APPEAL NO. 1409/2023.

Khyber Pakkenkitve Service Wribunal	
Diary No. 7918	
Dates 27/9/23	<b>P</b>
APPELLANT	

MR IREAN ALAM

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#### <u>VERSUS</u>

Govt: of Khyber Pakhtunkhwa .....

RESPONDENTS

#### RESPECTFULLY SHEWETH:

#### PRELIMINARY OBJECTIONS:

- 1- The appellant has got no locus standi to file the instant appeal.
- 2- The appellant has not come to the Tribunal with clean hands.
- 3- The appellant is not maintainable due to mis-Joinder and non-Joinder of necessary parties.
- 4- The appellant concealed the material fact from the Honorable Tribunal.
- 5- The appellant is estopped by his own conduct to file the present appeal.
- 6- The appeal is barred in law and limitation.
- 7- The appeal is not maintainable in its present form.
- 8- The Tribunal has got no jurisdiction to entertain this appeal.

## JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS.

- 1) No comments.
- 2) Incorrect, hence expressly denied. The appellant was appointed as Office Assistant (BPS-14) in the project Planning and Implementation cell under the project directorate, "capacity building" project, P&DD in the year 2012 on contract basis and his services was regularized in the year 2018 under the Khyber Pakhtunkhwa employees (Regularization of services) Act, 2018 (Annexure I & II).
- 3) Correct. That the appellant was transferred to the CPEC Section of P&DD vide letter dated: 14-01-2020 of P&D department (Annex-III).
- 4) Correct. Various complaints were received against the appellant for his corruption and corrupt practices, therefore, as per rules, disciplinary proceedings were initiated against the appellant (Annex-IV).
- 5) Correct,
- 6) Incorrect. In almost all the findings, involvement of the appellant in the issuance of fake recruitment orders were proved as he did not deny taking of money and handing over fake letters/orders to the complainants. Furthermore, during

personal hearing, he was found guilty of the charges levelled against him (Annex-V).

- 7) Partially correct to the extent that a show cause notice dated 11-05-2022 was issued to the appellant in which the appellant was given an opportunity of hearing vide communication dated: 14-06-2021 of Local Govt: Department. Although the appellant responded the show cause notice vide reply dated: 18-05-2022 yet the reply was found unsatisfactory, vexatious and frivolous, hence not considered (Annex-VI).
- 8) Incorrect, hence expressly denied. Reply of the appellant to the show cause notice was thoroughly examined in light of available record/facts as well as the opportunity of personal hearing of the appellant as well as other witnesses were also given and keeping in view all the material facts the major penalty of compulsory retirement from service was imposed upon him.
- 9) Correct. The representation of the appellant was processed and regretted as the appellant has given no solid reasons for his exoneration and has merely repeated his earlier stance which were already regretted by the Inquiry Officer.
- 10) Incorrect. The notification dated: 07-02-2023 is legal, lawful and in accordance with the law and facts which is the outcome of facts finding as well as formal inquiry against the appellant. Therefore, the appellant has no right to file service appeal.

#### <u>GROUNDS:</u>

- A. Incorrect. The Notification/Order imposing major penalty is in accordance with rule/law and true facts of the case.
- B. Incorrect. The acts/omission of the appellant fall in the ambit of misconduct which warranted imposing of major penalty upon him.
- C. Incorrect. The appellant was appointed against a project post in the year 2012 and his services were regularized in 2018 and has only 05 years' regular service at his credit.
- D. Incorrect. The major penalty was imposed upon the appellant after fulfilling all codal formalities i.e. conducting of fact finding/formal inquiry, provision of full opportunity for defending his case in writing personally and provision of an opportunity of personal hearing by competent authority before imposition of major penalty.
  - E. Incorrect. The Inquiry Officer in his finding did not absolve the appellant from the charges. During the inquiry proceedings, the appellant admitted taking money from the appointees and provision of fake letters/orders to them.

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- F. Incorrect. Keeping in view the WhatsApp conversations pointed out during personal hearing granted by the competent authority before imposition of penalty, taking money from the father of the appointees and providing fake letters / orders to them, the claim of the appellant is not justified.
- G. Incorrect. As explained at Para E above.
- H. Incorrect. As explained at Para E above.
- I. The respondents also seek leave of this honorable Tribunal to raise further points at any time during arguments before this Honorable Tribunal.

#### PRAYER:

Keeping in view of the above reasonable & just grounds, it is very humbly prayed that the Service Appeal may graciously be dismissed with cost on the appellant.

SECRETARY Govt: of Khyber Pakhtunkhwa, P&D Department (Respondent No. 2).

ADDITIONAL SECRETARY/ INQUIRY OFFICER Govt of Khyber Pakhtunkhwa LGE &RD Department (Respondent No. 4).

Gover of Khyber Pakhtunkhwa, (Respondent No. 01)



#### SERVICE APPEAL NO. 1409/2023

Mr. IRFAN ALAM.

.....APPELLANT

#### **VERSUS**

### Govt: of Khyber Pakhtunkhwa & Others

.....RESPONDENTS

#### **AFFIDAVIT**

I, Meher Muhammad, Section Officer (Lit-II), Planning & Development Department do hereby solemnly affirm and declare on oath that the contents of Comment are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal, intentionally.

It is further stated on oath that in this appeal, the answering respondent have neither been placed ex-parte nor their defence has been struck-off/cost.

**DEPONENT** CNIC No. 17101-0385053-7 Cell # 0315-0527955





GOVELINMENT OF KHYBER Fridad UNKHWA CAPACITY BUILDING PROJECT PLANNING & DEVELOPMENT DEPARTMENT

Dated: Peshawar the March 10, 2012

Annex-I

#### ORDER

No. AO(CBP)/P&D/2011-12/657-64; Consequent upon the recommendation of the Selection Committee, the Competent Authority's pleased to appoint Mr. Irfan Alam S/O Moh mmad Alam R/O 32-C, Circular Road, Antiversity Town Peshawar against the post of Office Assistant (BPS-14) in the Project Planning & Implementation Cell under the Project Directorate, Capacity Building Project, Planning & Development Department, Government of Khyber PARIET Pakhtunkhwa.

#### **Terms & Conditions**

- 1. His appointment is purely on contract basis for one year to be extended on satisfactory performance till the expiry of the Project.
- 2. He will be entitled for fixed pay as per approved PC-1 of the project.
- 3. His services are liable to be terminated on fifteen (15) days notice if not required or found unsatisfactory.
- 4. He has to produce Medical Fitness Certificate from the Medical Superintendent, Services Hospital Peshawar before joini 1g duty.
- 5. In case he wishes to resign at any time, one month notice will be necessary o in lieu thereof one month pay will be "orfeited.
- 6. He will be governed by Rules & Regulations applicable to the project employees of the Government of Khyber Pakhtu ikhwa.
- 7. He will have to execute Contract Agreement with the project authorities
- 8. He will have to join duty within 15 days from the issuance of d... order failing v hich the offer will be treated as withdra in.

----Sd-----Project Director CBP P&D Departm ant

#### No. AO(CBP)/P&D/2011-12/<u>657-64</u>

- 1. The Accountant General, Khyl er Pakhtunkhwa, Peshawar.
- 2. PS to Additional Chief Secretary, Khyber Pakhtunkhwa.
- 3. PS to Secretary Finance Department.
- 4. PS to Secretary Establishment Department.
- 5. PA to Secretary, P&D Department.
- 6. PA to Project Director, Capacity Building Project, P&D Department Cthis of
- 7. PF of the officer concerned.

(Rast Baz ) Chem Accolunts Officer CBP

Annex=II

EXTRAORDINARY

GOVERNMEF T



**REGISTERED NO. PIII** 

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GAZETTE

## KHYBER PAMHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 29th JUNE, 2018.

GOVE WM/ENT OF KHYBER PAKHTUNKHWA PLANNING & DEVELOPMENT DEPARTMENT

#### NOTIFICATION

Dated Peshawar, the 08th June, 2018.

<u>NO 3O(E)P&D/3-1/Reg:/Projects/2018:</u> In compliance of the Khyber Pakhtun' nwa Employees (Regularization of Services) Act, 2018, the Provincial Gover ment is pleased to notify regularization of services of the following (87) employees of the project titled "Capacity Building of Planning  $\alpha$  Development" with effect from 02.03.2018 as provided under Section-4 of the Act ibid, subject to the production that it shall not affect the service promotion quota of all service cad #3:-

S# <sup>i</sup> :	Name of Officer	:	BPS	Designation	
1.	Engr. Asif Shahab	t in the second	18	Assistant Chief	
<b>´</b> 2.	Amin Khan Bangash	+	18	Assistant Chief	
3.	Miss. PalwashaRehman		18	Assistant Chief	
4.	Dr. KashifNazir		18	Assistant Chief	
15.	Mr. Rafiq Jan		18	Assistant Chief	
6.	Mr. Tehsil Zaman		18	Assistant Chief	
7.	Mr. Muham nad Ayaz		18	Assistant Chief	
8.	Mr. Abdul / ziz Abbasi		18	Assistant Chief	Attested
9.	Mr. Faaiz Arbab		17	Research Officer	Hand
10.	Engr. Na ir Khan		17	Research Officer	- For
10.	Engr. N: veed Ishtiaq	<u> </u>	17	Research Officer	tested
12.	Mr. Ali ' Iussain	<del></del>	17	Research Officer	Hue -
12.	Mr. Wr.qas Ghaus		17	Research Officer	1,00-
L	Engr. Nuhammad Tariq		17	Research Officer	
14.	Mr. Sl ahbaz Khan		17	Research Officer	
15.			17	Research Officer	
16.	Mr. Ju iaid	· ·	17	Research Officer	
17.	Muh: mmad Irfan	·	<u> </u>		

KHYBER PAKHTUN/(HWA GOVERNMENT GAZELTE, EXTRAORDINARY, 29th JUNE, 2018 1932 **Research Officer** 17 Mr. Tahir Ama 18. Research Officer 17 Pir Bilal Muthammad 19. **Research** Officer 17 Mian Ayub Gul 20. **Research Officer** 17 Mr. Asim Javed 21. Research Officer Mr. Tai aur Arbab. 17 22. **Research Officer** 17 23. Engr. Yasir Adnan **Research Officer** Er yr. Qazi Muhammad Zohaib 17 24. Research Officer 17 N 5. Ze nab Khatoon 25. **Research Officer** 17 { ved Shoaib Ali Shah 26. Research Officer 17 1111 ammad Shoaib 27. Research Officer 17 Mr Mukhtar Ahmad 28. **Research** Officer 17 Juhammad Tariq 29. **Research Officer** 17 Mr. Hizbullah Khan 30. , ŧ Research Officer 17 7. Mr. Ozair Rahim **Research Officer** 17 Mr. Arbab Wajid Khan 32 Computer Operator. 33. Mr.Ijaz Ali 16 **Computer Operator** 34. 16 M.Shahab Ξ. Computer Operator Mr. Sajid Ali 16 Ċ **Computer Operator** 36. 16 Mr. Farhad Ali Ę **Computer Operator** 37. 16 Muhammad Rehan 38. 16 **Computer Operator** Mr. Sohail Khan 39. Assistant 16 Mr. Irfan Alam 40. Assistant 16 Mr. Asad Kamran 41. 16 Assistant Muhammad Kashif t.A. Assistant 42. 16 Mr. Nek Abaz 43. **Telephone Operator** 7 Mr. Akhter Ali Driver 44 6 Mr.Asif Khan 45. Driver 6 Mr. Niaz Ali LUI Driver 46. 6 Mr. Ajmal Khan 47. Driver 6 Mr. Khan Ghalib 6 Driver 48. Mr. Irshad Driver 49. 6 Muhammad Siyar Driver 50. 6 Muhammad Kamran Driver 6 51. Muhammad Ismail 52. 6 Driver Mr. Mukamil Shah Driver 6 53. Mr. Amjad Ali Driver 6 54. Mr. Noor Hassan ٩. . 6 Driver 55. Mr. Naik Mali Khan J.J.J.



## KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 29th JUNE, 2018

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56.	Mr. Ghulam Akhar	6	Driver	
57.	Mr. Abdul Basi. Khan	6	Driver	
58.	Mr. Waqas A'ımad	5	Electrician	1
59.	Mr. Shahza Khan	7	Generator Operator	
60.	Mr. Sulair an Shah	3	N/Q	:
61.	Mr. Sha -ur-Rahman	3	N/Q	•
62.	Mr. Sabir Khan	3	N/Q	,
63.	Mulammad Ibrahim	3	N/Q	;
64.	Mr. Akhtar Gul	3	N/Q	
65.	I luhammad Khalid	3	N/Q	
66.	Mr. Javed Khan	3	N/Q	:
67.	Mr. Syed Zulfiqar Ali Jafri	3	N/Q	
68.	Mr NiamatUllah	3	N/Q	1
69.	Mr. Asim Khan	3	N/Q	
70	N.r. Masood Shah	3	N/Q	
7′.	Mr. Farooq Ahmad	3	N/Q	
72.	Syed Rasool Shah	3	N/Q	
/3.	Mr. Jawad Ahmad	3	N/Q	
74.	Mr. Ahsan Ullah	3	N/Q	
75.	Mr. Wajid Ali	3	N/Q	
76.	Mr. Haleemullah	3	N/Q	
77	Mr. Haseeb Ahmad	3	N/Q Attes	1
71	Mr. Akhtar Sher	3	N/Q Alles	H
7 <del>)</del> .	Ms. Farhada	3	N/Q	V
80.	Mr. Salman Khan	3	N/Q	
81.	Mr. MehrabHussain	3	N/Q	
82.	Mr. Ija z Ahmad	3	Chowkidar	A
83.	Mr. Zahoor Khan	3	Chowkidar Ala	Þ
84.	Mr. Iftikhar Khan	3	Chowkidar	
85.	Mr. Zar Shah	3	Chowkidar	
86.	Mr. FazleElahi	3	Chowkidar	
87.	Mr. Sharoon	3	Sweeper	

### ADDITIONAL CHIEF SECRETARY P&D DEPARTMENT



## GOVERNMENT OF KHYBER PAKHTUNKHWA PLANNING & DEVELOPMENT DEPARTMENT

Dated Peshawar, January 14, 2020.

SECRETARY P&D DEPARTMENT.

#### **NOTIFICATION:**

NO. SO(ESTT:)P&D/3-4/2020: The competent authority is pleased to transfer Mr. Infan Alam, Assistant (BS-16), PP&I Cell and post him in CPEC, with immediate effect, in it est public interest, till further orders. However, the official concerned will continue to draw, his salary from CBP, P&D Department.

#### Endst: No. & date even.

#### Copy forwarded to the:

- 1. Accountant General, Khyber Pakhtunkhwa.
- 2. Chief, CPEC, P&D Department.
- 3. Chief/ Director, PP&I Cell, P&D Department.
- 4. Assistant Chief (B&A), P&D Department.
- 5. PS to Secretary, P&D Department
- 6. PA to Additional Secretary, P&D Department.
- 7. PA to Deputy Secretary (Admn), P&D Department.
- 8. Official concerned.

( SONA KH SECTION OFFICER (ESTT:)

- A.

t.tel

414 Annex-IV (1) نية. دا شريك انتى تسرست K. P. Ho : جنام منف من بر جهامب خیر محتولخو<sup>ا</sup>ه بنا ور <u>د</u> حناب جنف سیرتم ی جماحب خیر بخت منفراه به ا في جناب سيريز حصما حب جي، ايند، دي مير فتوانخو کارت و عنوان عنطامت سرخلاف والتركيم عثر سرعداسي جماحب محك حب المند، دمح خر بجنوا محول بيش ور حناب مالى كد ارش امنك بي سائل في محتيث مهر ماري في في ستونى على با بر ميل جمع منتو سال ٩٥٥ و مي مر توزه بارا في بروجون بخ ستونى على با بر ميل جمع منتو سال ين يوساطت عزيز عباسي جراس وقت ، عقام فعنلو بالرين ، وهيد تحد مريكيم بحق المن علدة تح فلدج و لهود ، فرقت سيسل مين ذيل تيش خدر في منامولون اداره يذاكو بيش التا عقر ند ، ، ابیا شی د تحت ویل بنام جا می الوالی . فی : ، ابیا شی رو می منام سردار زیارم فی : - ابیا شی رو می منام سردار زیارم فرا سيقل وز بالرسل توخ مع تسلر [[[ م یے تین تعقد جات ستروع کر سے سے بحکم میں سے جا ٥٥٥٥٥/ الك الحرادي ما الت ٩.٨ سك على سكوري عو تردي بائل ند امتدا مي شوب عدل بر عام كا المار كيا رتوكي عرام يعر عماسى ما حبي في منعوب مين عبله ما م المروف لعور في في 4 نیس دوران عمامی مماحب سے بچھے ابیا بنی کر <u>مراب عمل شرام</u> مريح اجاز مت ملى رحس برمن برعام كالزار كرديار اور سى سبكر سامل عن محف مبل ٥٥٥٥ اروب كا بارا بى برر ومرك بنك ست درآ تسام جو من نے وہوں کے الح عد نوره عرص ج رو على من محص درم من عن المي المي في مسالم الم ناران بروجيد عسى فنظورى على - اور سي غرور ك إحرر وقتاً عماسي جماحب سي معرف على على الله على الري أ لتيان عماسي مباحب عفروسم ولا ترعام جارى رّعف كريما تقا محقق بن قريف بسام كترم ومره لرما تحار اخراك رول مكل سي ميا المسلمة عن عمور مراجالوحالت سيبركيا جلك ذروا فزكوره جزرى فكملي SOLE? - H

يتين سامل في ذلك رعم، فشر جنه، جات، في تنال إراجي فحيظره فت) سے فيز كبور منصور مح اغرط ف بورج مح ، اس جمن من منوار با زاد ل بر وجد ب مرسوج مرار المراجع معنول عساسا مس الماري ما الم الماليا ترفي هناو س حرج سرو رهم ع معنول عساسا مس الماري ما الم الماليا ترفي الحر حرب سر معناق ضلع عس بالراجن بيرو حيله عن ما حفته سر بهوا بر تو ا عدا سی صاحب یو بنی حقیقر این حمر بے واقع عدان آرامی ویا۔ منتقل تیا۔ ول میں جاتا رہا ۔ اور ہر نار جھے استعلال کر کہتا ہیا۔ مردم أخاونك مس إجاميموع ، توعين إدانيك نير ذيبت ا عباس مهاجب تقريباً جار سال سائل كيسا بحد كان منول ما مار اسمت دفران عارب درافيان جراح على موج الدرم دفع ورو فرتما رام ت اور جموع فی مارا فی مرح مید میں شیغا ب جر کا رسائلے <sup>ب</sup> اش مر متاسب مراحب في قله المرا- تو من مراسا لف ماي الم من م جنهو ل طسرحين سالم جهام هناو عباس إجاه حے: کھنر کے نا راضک سالم کم بح کمها بک است میں میں کیوں میل سے - اس کا عیت با راضک سالم کم بح کمها بک است میں میں کیوں میل سے - اس کا عیت د و بن تقر - اب الحاد منتخب من التربيس : **خوا** عبل الوز **معال ا**لحر د و بن تشرب تقر - اب الحاد منتخب من التربيس : **خوا** عبل الوز **معال ا**لحر معامر منه من المسلود من والس كردس المرتس لعد محصه سارى ے لوراور میں جان تیا ، انس نے عرف سامنے (میر آنڈ بیری من ملحی سچی جا غزر کھی کر اسپر دستخلے در دور میں ایک بیری بچھ میں سلتما عمار أسيلت س ف الفاركر درا رتيب اس ف مفروس طلارا راوز مس د ستخد مرديا - تين ون لعبر مماسى عماص بعرس نال عنول كرما إلار تو في وزا اس مقامی قلری میں تحدرت تو فرمار کیا ۔ جنہوں غیاسی حکم تمين دفيتر فلب كرديا - عداس جداحب كساتح 110 44 فر عبر كم يوار نقل نیفت کی بنا - کی جسامنے عماسی جماحت نے متر بیان درست کر روز ایک جاہ نا اندر اندر بر هم ادا تیکی جا معدہ کیا - حواج کا جو کی سے کر سے سائل الأعرب اجرف مع معاسى فباحد الك ظالم الوكرمد الجراح في بهت سارم توكون كيسا تمر السط تعلقات سے جنب ميں روسول لين ے لیے جاتا ہون رکھ بچائے روٹ چے دھکلان دیتے میں -احرکاری کہاں کا انصاصی مص استدین کرزا موں است طبیب تک مع ندهم مل س*سے - ا*عرب المریک مزیر من مرکب سی محک بین البیکی دول بیشا م مو قالغ ن کارا سر ساجس ، عس تحر الوران براييم حان ولد خسر برادم 933 488729 50 Jo Jon Jul Nic. Mo: - 14/0/ \$400657-9 MOG NO: -0334 8872950 ار اسم مان ولد حسر المنام سمان ما ير مدل هندو.

المان-التان-التاك-التكوم قومی جمرہ محدزئی (ٹاور) کوھاٹ اصلاح اقواكك وفلاح دواك في معرون في مجتاب تراشيل بي بم في ست کومنانے کی قسم کھائی ہے ہم نے تاريخ <u>ارود / 4/2 لا</u> . سانات فركترن رابطه نبرز: 9613462 0333-9612859 0333-9612859 فرت الآل. الراهيم ولد من رفان سلن بابر مول -فريني درم : مسنى خان عمامي سرلد مان (مع) قرارى . فرت ادر مان موان موارد استعن عند من خان سام مركب الل د بعاريز اللي المرابر من الحرور الموج منان اور الله شر المر اس مر مر الما بان م فنظور منان مرادر سا تحوی ادار الم وند عنر ور اور سام السی سی سلخ ان الکور اس مح رود الشي نزم مي ري ون مي مزدور و نفي جي ردى اور دو نبو بي ا مور مردد کو این داآن رقم سے نیا رز کارع میں بار با درقم ی دالالار آ ز العرب من مسالع من أب كم لي مد مرض مسر كارى حافد ا بن دال چا سور اور وه رک جرار که ارد مل کا رور می روز می راخ ک ل ت ابن مو شش ارون کا -he de province al cas Attester Tell-

< 3 mi) mi) mb 5 m 1 m (1 m) منى و قد متورى خ مرد ال ما اور أس س بال الر ا توأسی فی مردی ادل که بات شیخ کا در شوری و اعش داران تور المع ماه ماه ماه الدرج الم الم في في في في في في للن چار میں ترزیز کی حامل اس مر برج الم يستى المتر فريع سر جو الن فرعن الار تاكن ، ماين الم وقع وما من مواجع والحابي مولى المراجع مارد برور باش موش وه ای باقی ای ای ای ای ا England Cells -Gull - 5-0 flaring Electric Uton. and the first JUI Hestel.

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بخدمت جناب سیکریڑی صاحب پی اینڈ ڈی سیکریڑیٹ پشاور 👻

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آپکادعا گو

سائل: شاه جهان ولد فیروز خان سکنه چوک یا دگار مکان نمبر 1937 محلّه ڈھکی دالگراں پپتاور

CNIC NO:17301-1314047-9

CELL NO: 0311-5928304

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GOVERNMENT OF KHYBER PAKHTUNKHWA. PLANNING & DEVELOPMENT DEPARTMENT

#### SUMMARY FOR CHIEF MINISTER, KHYBER PAKHTUNKHWA

Subject:-

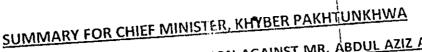
#### INITIATION OF DISCIPLINARY ACTION AGAINST MR. ABDUL AZIZ ABBASI (PPSBS-18), THE THEN CHIEF, CPEC CELL AND MR. IRFAN ALAM (BS-16), THE THEN ASSISTANT, CPC CELL, P&D DEPARTMENT.

- 19. Reference directions of Honorable Chief Minister conveyed vide Para 18 of the Summary, the undersigned conducted personal hearing of Mr. Abdul Aziz Abbasi (BS-18) PPS, the then Chief of CPEC Cell, P&D Department and Mr. Irfan Alam the then Assistant of the same office on 01/08/2022.
- 20. The formal inquiry under E&D Rules vas conducted in the background of a fact finding inquiry held in P&D Department after a few fake appointment orders in CPEC cell, came up on social media. The fact finding inquiry established through admitted proof that an amount of Rs. 500,000/- was handed over to the accused Assistant Mr. Irfan Alam by Mr. Ismail whose two sons namely Mr. Roidad and Mr. Abdul Samad were each in receipt of fake appointment letters in their favour. The accused Assistant chair and the the amount was taken on loan and was returned back. On the otlar', it was observed that during the course of the fact finding inquiry that the accused Mr. Abdul Aziz Abbasi, the then Chief CPEC cell, when came to know about the fake appointments, instead of bringing the issue in knowledge of his superiors, chose to give false hopes to the aforementioned wronged father and sons. This fact was established from examination of his WhatsApp conversations and voice messages in the fact finding inquiry. The fact finding inquiry recommended that since forensic examination of the fake appointment letters, technical scrutiny of the WhatsApp record of the accused Chief of Section and the financial transaction of Rs.500,000/- between the accused Assistant and Mr. Ismail is required; the matter may be referred to Anti-Corruption Establishment. However, charge sheet against the two accused officials was extracted from the fact finding inquiry and framed accordingly.
- 21. During the course of personal hearing, Mr. Abbasi, the accused Chief of Section vehemently refuted the charges against him. He disowned the signatures on the questioned appointment letters, as also determined by the inquiry officer. The inquiry had concluded that he did not take gratification in lieu of appointments however since he failed to provide any plausible explanation to the admitted fact that he offered to pay a sum in salaries to Mr. Ismail Shah's two sons, the fake appointments to the charge was proved against him. Mr. Abbasi, could not also justify his Whendarp chatting with Mr. Abdul Samad, one of the fake appointees, the charge which was partially proved in the inquiry.
- 22. The other co-accused Mr. Irfan Alan, Assistant at the outset declared that he is totally innocent in the allegation of receiving any gratification. He asserted that he had loaned an amount of Rs. 500,000/- from Mr. Ismail, father of the fake appointees, being his old family friend. He claimed that the transaction had nothing to do with the appointments. The inquiry however, determined that the accused indeed handed over fake appointment letters to Mr. Ismail but disproved charges of taking any gratification.
- 23. After the subject personal hearing, i has come to light that the accused Mr. Abdul Aziz Abbasi (BS-18) PPS, the then Chief : Section CPEC Cell and his Assistant Mr. Irfan Alam (BS-16) had been in one way or the other associated with the scandal of fake appointment letters. The instant incuiry report has absolved them from the charges of taking gratification from the affected candidates despite proving that the accused

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## GOVERNMENT OF KHYBER PAKHTUNKHWA PLANNING & DEVELOPMENT DEPARTMENT



Subject:-

## INITIATION OF DISCIPLINARY ACTION AGAINST MR. ABDUL AZIZ ABBASI PPSBS-18), THE THEN CHIEF, CPEC CELL AND MR. IRFAN ALAM (BS-16), THE THEN ASSISTANT, CPC CELL, 9&D DEPARTMENT.

besides making commitments of better positions to them. Likewise, the accused besides making commitments of better positions to them. Likewise, the accused Assistant Mr. Irfan Alam admitted to the fact that he received a hefty amount if Rs. 500,000/- from father of the two take appointees as business loan which he returned, the supposed fact upon which the charge of gratification was dre\_wided by the accused inquiry officer. The whole episode, though covered up and diluted by the accused points to the bitter fact that both of the the supposed between behaving in the most undignified manner which warrants exemplary punishment.

24. In view of the above, it is proposed that the Competent Authority may be pleased to award following major penalty to the fun extent upon the accused persons under Rule a(b)(i) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011:

"reduction to a lower post and pay scale from the substantive or regular post, for a specific period, subject to a maximum of three years:

Provided that on restoration to original pay scale or post, the seniority of the accused shall be reckoned from the date on which the penalty was imposed;

Provided further that this penalty shall not be imposed upon the accused, who is likely to be superannuated within the period of penalty"

12/8/203

(Khushal Khan, PAS, T.St) Secretary Home and Tribal Affairs Department/Hearing Officer

Secretary Establishment Department

	Government of Khyber Pakhtunkhwa Planning & Development Department
	SUMMARY FOR CHIEF (INISTER, KHYBER PAKHTUNKHWA SUMMARY FOR CHIEF (INISTER, KHYBER PAKHTUNKHWA
Subject:-	INITIATION OF DISCIPLINARY ACTION AGAINST MR. ADDUCT ABBASI (PPS BS-18), THE THEN CHIEF, CPEC CELL AND MR. IRFAN ALAM (BS-16), THE THEN ASSISTANT, CPEC CELL, P&D DEPARTMENT.
Reference ]	ara-25 to 27/S

- 28. Considering the observations of Estal-1 shment Department endorsed vide Paras 25-27 of the Summary and given the fact that the accused Mr. Abdul Aziz Abbasi (PPS BS-18) the then Chief CPEC Cell and Mr. Irfan Alam (BS-16) the then Assistant CPEC Cell indulged in misconduct as highlighted in the proceedings, the undersigned is of the opinion that major penalty of computery retirement as already imposed tentatively by the competent authority is recommended.
  - 29. Submitted for approval of Honorable Chief Minister, Khyber Pakhtunkhwa, please.

Secretary Establishment Department

J'30/12/2022

(Khusal Khan, PAS, T.St) Secretary Heine and Tribal Affairs Department/Hearing Office:

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#### BETTER COPY

#### GOVERNMENT OF KHYBER PAKHTUNKHWA PLANNING & DEVELOPMENT DEPARTMENT CPEC CELL

Tel: 9210458 Fax: 9210498

Dated: December 29th, 2020

## Conditional Offer of Contract as Office Assistant cum Computer Operator BPS 16.

The Competent Authority is pleased to extend an offer of the subject contract to Mr. Malyaar Khan R/O Village & P.O Jhugian, Tehsil & District Abbottabad for a period of one year extendable on satisfactory performance. Job responsibilities/TORs would be communicated on acceptance of offer and signing of contract. In case of acceptance of the aforementioned terms, willingness may be submitted on or before Jun 31<sup>st</sup>, 2021.

Chief CPEC Cell P&D Department

Copy to: -

- 1. PS to Additional Chief Secretary, P&D Department, Khyber Pakhtunkhwa.
- 2. PS to Secretary, P&D Department, Khyber Pakhtunkhwa.
- 3. PS to Special Secretary, P&D Department, Khyber Pakhtunkhwa.
- 4. P.A to Chief Economist, P&D Department, Khyber Pakhtunkhwa.
- 5. Official Concerned.
- 6. Master File.

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GOVI RNMENT OF KILLER MILEN PLA! NING & DEVELOPMENT DEPARTME CPEC CELL 92,91) 9210458 x; (492 91) 9210498 Dated: December 22<sup>nd</sup>, 2020 Conditional Offer of Contract as Office Assistant cum Computer Operator BPS 16: Decompetent Authority is pleased to extend an offer of the subject contract to M. Jalal. Khan S/O Mr Banaras Khan, Village & H.O. Hazar Khwani, Tehsil & District Peshawa:, for a period of one year, extendable on satisfar bry performance. Job responsibilities / TORs would e communicated on acceptance of offer and signing of contract. ... - + of acceptance of the forementioned terms, willingness may be submitted on or before Jan 19th; 2021. Chief CPEC Cell P&D Department y to:-1 11 11 "PS to Additional Chief Secretary, 20 Department, Govt. of Khyber Pakhtuni h PS to Secretary, P&D Department Govt. of Khyber Pakhtun PS to Special Secretary, P&D Depl tmcnt: Govt. of Khybu. ak1, unkhwa. PA to Chief Economist, P&D Deputtment. Govt. of Khyber Pakhtunkhwa. Official Concerned. Master File. Attered. awa. Faill

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#### GOVERNMENT OF KHYBER PAKHTUNKHWA PLANNING & DEVELOPMENT DEPARTMENT CPEC CELL

Dated: December 22nd, 2020

## Conditional Offer of Contract as Office Assistant cum Computer Operator BPS 16.

The Competent Authority is pleased to extend an offer of the subject contract to Mr. Jalal Khan S/O Mr. Banaras Khan, Village & P.O Hazar Khwani, Tehsil & Discerce extendable on a period of one year, extendable on satisfactory performance. Job responsibilities/TORs would be communicated on acceptance of offer and signing of contract. In case of acceptance of the aforementioned terms, willingness may be submitted on or before Jan 19<sup>th</sup>, 2021.

> Chief CPEC Cell P&D Department

Copy to: -

Tel: (+92 91) 9210458

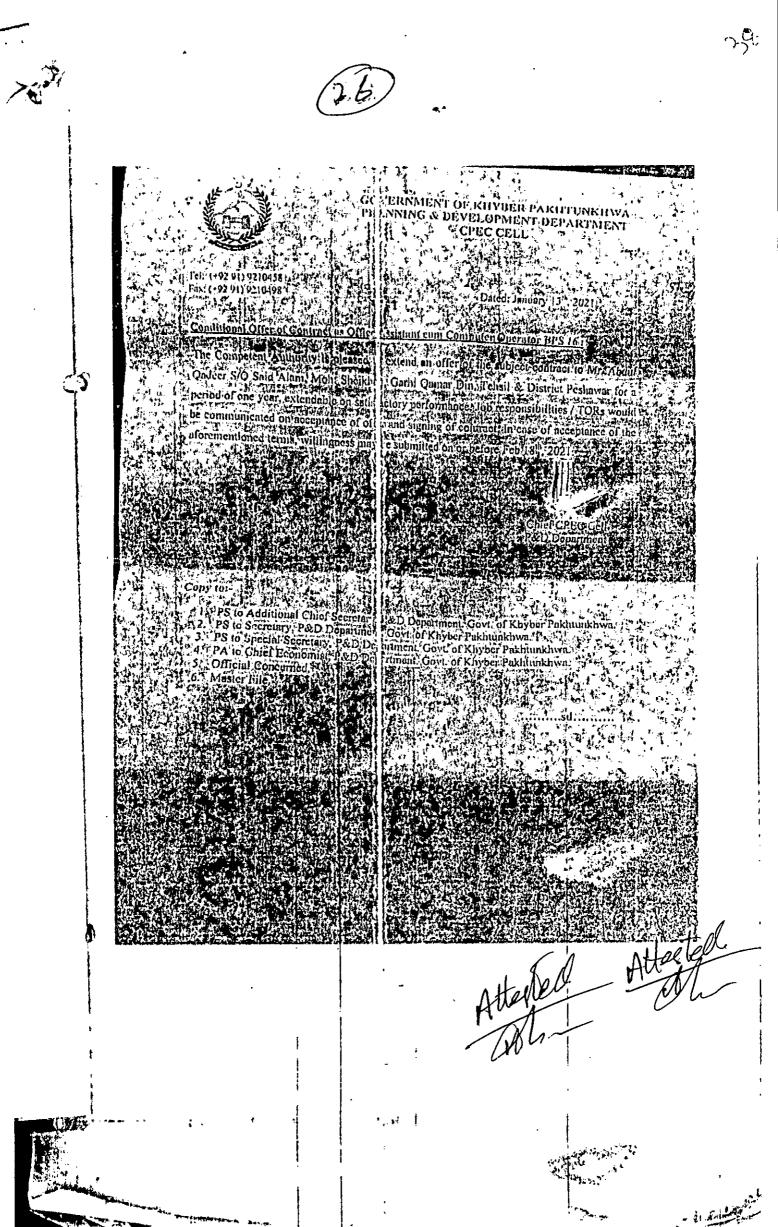
Fax: (+92 91) 9210498

1. PS to Additional Chief Secretary, P&D Department, Khyber Pakhtunkhwa:

2. PS to Secretary, P&D Department, Khyber Pakhtunkhwa. trict Pest

- 3. PS to Special Secretary, P&D Department, Khyber Pakhtunkhwa.
- 4. P.A to Chief Economist, P&D Department, Khyber Pakhtunkhwa.
- 5. Official Concerned.
- 6. Master File.

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PLANNING & DEVELOPMENT DEPARTMENT CPEC CELL

Tel: (+92 91) 9210458 Fax: (+92 91) 9210498 Dated: January 13th, 2021

## Conditional Offer of Contract as Office Assistant cum Computer Operator BPS 16.

The Competent Authority is pleased to extend an offer of the subject contract to Mr. Abdul Qadeer S/O Said Alam, Moh: Sheikhan, Garhi Qamar Din, Tehsil & District Peshawar for a period of one year, extendable on satisfactory performance. Job responsibilities/TORs would be communicated on acceptance of offer and signing of contract. In case of acceptance of the aforementioned terms, willingness may be submitted on or before Feb 18<sup>th</sup>, 2021.

> Chief CPEC Cell P&D Department <u>ىن قې <sup>بې</sup>يار يىز</u>

Copy to: -

- 1. PS to Additional Chief Secretary, P&D Department, Khyber Pakhtunkhwa
- 2. PS to Secretary, P&D Department, Khyber Pakhtunkhwa.
- 3. PS to Special Secretary, P&D Department, Khyber Pakhtunkhwa.
- 4. P.A to Chief Economist, P&D Department, Khyber Pakhtunkhwa.
- 5. Official Concerned.
- 6. Master File.

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## XMENT OF NG & DEMELOPMENT DEPA GPEC CELL

#### Tel: 142.9119210138 29119210498

# Conditional Offer of Contract as Office Assist fat com Comparer Operator 1125 16

De Competent Authority is pleased to explicit an offer of the subject contract to May minipioned terms, willinghess may be sa muted on a beibie Jan UI " 2021;

10 Additional Chile PS to Specific Secretary, P&D Department, Statute and ter Heonomist P&D Dipini Juidal/Co inster F

Dated: December 18th 202

Anniel Sto Mr Inikhar. Village & P.O I car Khwail? Telail & District sname, for unitentent on se deminner all allan auf elluning all commelle lit ensu Allaceopuisere

> Chief CPEC Gell P&D Department

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#### GOVERNMENT OF KHYBER PAKHTUNKHWA PLANNING & DEVELOPMENT DEPARTMENT CPEC CELL

Dated: December 18th, 2020

#### Conditional Offer of Contract as Office Assistant cum Computer Operator BPS 16.

The Competent Authority is pleased to extend an offer of the subject contract to Mr. Aftab Ahmad S/O Mr. Iftikhar, Village & P.O Hazar Khwani, Tehsil & District Peshawar for a period of one year, extendable on satisfactory performance. Job responsibilities/TORs would be communicated on acceptance of offer and signing of contract. In case of acceptance of the aforementioned terms, willingness may be submitted on or before Jan 11<sup>th</sup>, 2021.

> Cinc: UPEC Cell P&D Department

Copy to: -

1. PS to Additional Chief Secretary, P&D Department, Khyber Pakhtunkhwa.

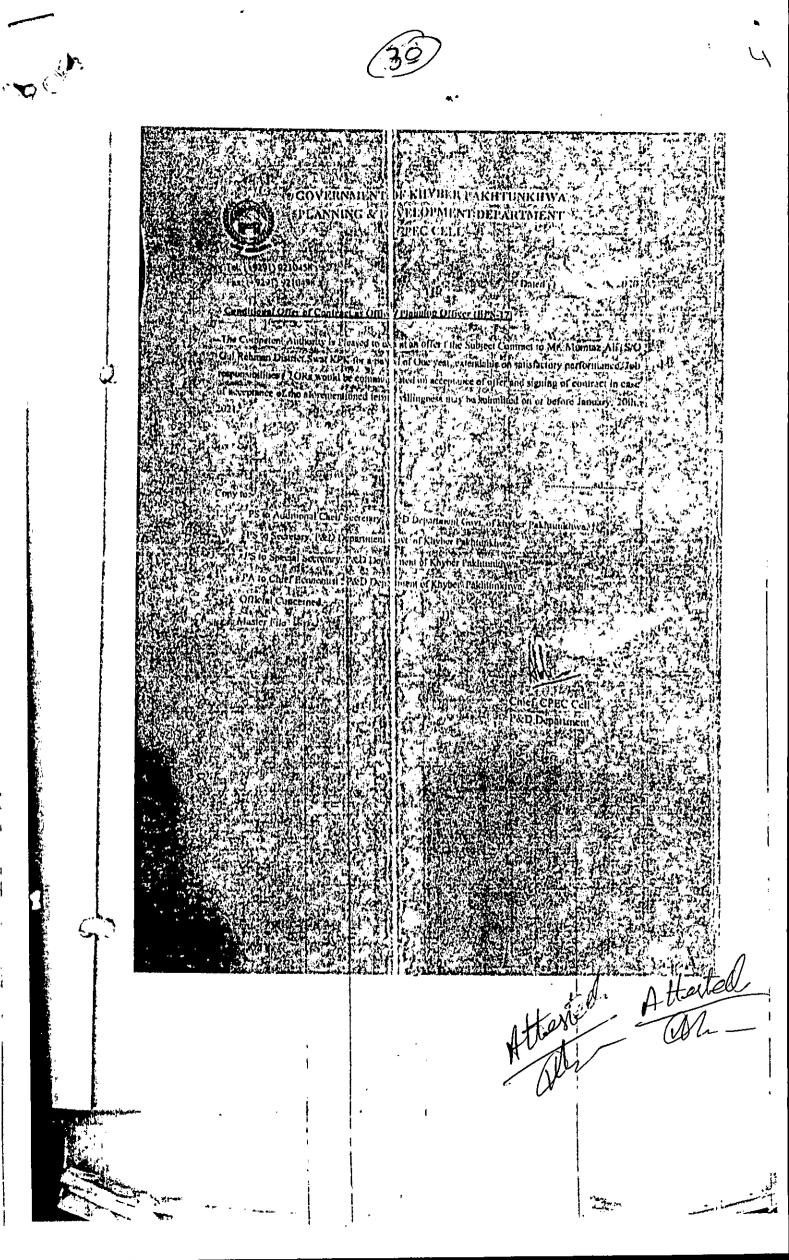
2. PS to Secretary, P&D Department, Khyber Pakhtunkhwa.

3. PS to Special Secretary, P&D Department, Khyber Pakhtunkhwa.

4. P.A to Chief Economist, P&D Department, Khyber Pakhtunkhwa.

- 5. Official Concerned.
- 6. Master File.

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GOVERNMENT OF KHYBER PAKHTGAKHWA PLANNING & DEVELOPMENT DEPARTMENT CPEC CELL

Dated: December 28<sup>th</sup>, 2020

#### Conditional Offer of Contract as Planning Officer (BPS 17).

The Competent Authority is pleased to extend an offer of the subject contract to Mr. Mumtaz Ali S/O Gul Rehman, District Swat KPK for a period of one year, extendable on satisfactory performance. Job responsibilities/TORs would be communicated on acceptance of offer and signing of contract. In case of acceptance of the aforementioned terms willingness may be submitted on or before January 20<sup>th</sup>, 2021.

Copy to: -

1. PS to Additional Chief Secretary, P&D Department, Khyber Pakhtunkhwa.

2. PS to Secretary, P&D Department, Khyber Pakhtunkhwa.

3. PS to Special Secretary, P&D Department, Khyber Pakhtunkhwa.

4. P.A to Chief Economist, P&D Department, Khyber Pakhtunkhwa.

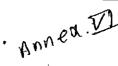
5. Official Concerned.

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Chief CPEC Cell P&D Department

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#### GOVERNMENT OF KHYBER PAKHTUNKHWA LOCAL GOVERNMENT, ELECTIONS & RURAL DEVELOPMENT DEPARTMENT

No. PA/ASE/LGE&RDD/Ing P&DD/2021 Dated Peshawar the 1945 Jule, 2021

Τo

Mian Ayub Gul, Assistant Chief CPEC Cell P&D Department Government of Khybe: Pakhtunkhwa Peshawar/Departmen al representative

Subject:-

#### t:- DISCIPLINARY PROC EDINGS UNDER KHYBER PAKHTUNKHWA E&D RULES 2011 AGAINST MR. ABDUL AZIZ ABBASI (PPS BS-18), THE HEN CHIEF CPEC CELL P& D AND MR. IRFAN ALAM (BS-16), THE HEN ASSISTANT CPEC CELL NOW WAITING POSTING IN P&DD

Reference P&DD letter No. P&DD/CPEC/2021/7136-40, dated 05-05-2021 and this office earlier letter of even number, dated 27<sup>th</sup> May, 2021 on the subject noted above.

2. You are directed to a tend this office on Friday, 18-06-2021 at 9:00 AM to assist the Inquiry Officer as required under the Khyber Pakhtunkhwa GovernmentServants (Efficiency & Discipline) Rules 2011.

## ASE LGE&RDD/INQUIRY OFFICER

Copy forwarded to:

1. SO(Esit) P&D Department with reference to his letter No.SO(E) P&D/ 087/1-61/2020, dated (14<sup>th</sup> May, 202.

- 2. Chief CPEC Gell P&D Department with reference to her letter cuoted
- 3. PS to Secretary, P&D Department.

ASE LGE& RDD/INQUIRY OFFICER

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## GOVERNMENT OF KHYBER PAKHTUNKHWA PLANNING & DEVELOPMENT DEPARTMENT

### **AUTHORITY LETTER**

Mr. Meher Muhammad, Section Officer (Litigation) of Planning & Development Department is hereby authorized to pursue / defend court cases of Service Tribunal, Khyber Pakhtunkhwa and Civil / District Courts as well as submit Para-wise Comments / Replies in the cases duly sworn on affidavit in the courts on behalf of Additional Chief Secretary and Secretary P&D Department.

ERUTY SECRETARY **P&D** Department

Deputy Secretary (Adams Planning & Development Department