

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT ABBOTTABAD

Service Appeal No. 1011/2016

Date of Institution... 06.09.2016

Date of decision... 22.11.2017

Adil Shahzad, PET, Government Middle School, Potha, Tehsil and District  
Manshra ... (Appellant)

Versus

1. The Secretary through government of Khyber Pakhtunkhwa Education  
Department (Schools and Literacy), Civil Secretariat, Peshawar and 7 others.  
.... (Respondents)

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MR. MUHAMMAD NAEEM ANWAR, Advocate	...	For appellant.
MR. MUHAMMAD BILAL Deputy District Attorney	...	For respondents.
MR. NIAZ MUHAMMAD KHAN,	...	CHAIRMAN
MR. AHMAD HASSAN,	...	MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - This judgment shall dispose of the instant service appeal as well as connected service appeal No. 1013/2016 Muhammad Iqbal and no. 1014/2016 Liaqat Ali as in all the appeals common questions of law and facts are involved.

2. Arguments of the learned counsel for the parties heard and record perused.

FACTS

3. The appellants are aggrieved from a transfer order dated 19.05.2016 whereby they were transferred on the basis of disciplinary proceedings. Against these order they filed departmental appeal on 01.06.2016 which was not responded to and thereafter the present service appeal on 06.09.2016.

## ARGUMENTS


4. The learned counsel for the appellants argued that the appellants were transferred on the basis of some enquiry to which the appellant were alien. Secondly that the adverse opinion given by the enquiry officer against the appellant in an enquiry against some other person cannot be given because they were never heard nor they were served any notice and thereby the elements of due process were not honored.

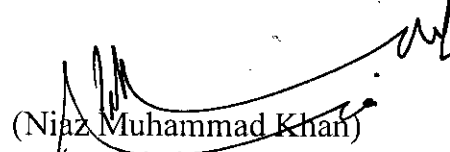
5. On the other hand, the learned DDA argued that the appellants are government servants and they are amenable to service discipline and can be transferred on any ground.

## CONCLUSION.

6. Admittedly the appellants were transferred as a punishment. This is also an admitted position that the the opinion of the enquiry officer in an enquiry to which the appellants were not party has got no value in the eyes of law. Thirdly even those civil servants who are party to a proceedings cannot be transferred as punishment. In this regard this Tribunal has already delivered a judgment in appeal bearing No:1003/2016 entitled "*Nisar Khan-vs-Chief Secretary*" decided on 25.10.2017. In this regard a reported judgment (2012 PLC (C.S) 187) is also clear.

7. As a sequel to above discussion, this appeal alongwith connected appeals are accepted and the impugned order is set aside. Parties are left to bear their own costs. File be consigned to the record room.

  
(Ahmad Hassan)  
Member

  
(Niaz Muhammad Khan)  
Chairman  
Camp Court, A/Abad

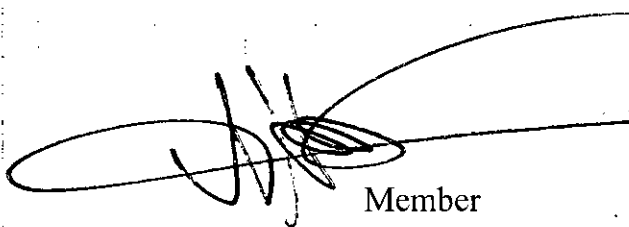
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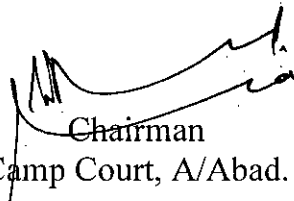
22.11.2017

22.11.2017

Counsel for the appellant and DDA for the respondents present. Arguments heard and record perused.

This appeal is accepted as per our detailed judgment of today . Parties are left to bear their own cost. File be consigned to the record room.

  
Member

  
Chairman  
Camp Court, A/Abad.

ANNOUNCED  
22.11.2017

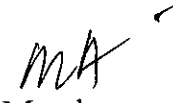
21.07.2017

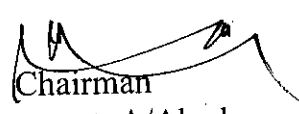
Counsel for the appellant and Mr. Muhammad Bilal, DDA alongwith Hamid Mansoor, Junior Clerk for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder, if any, and arguments on 20.09.2017 at camp court, Abbottabad. Status quo be maintained.

  
Chairman  
Camp Court, A/Abad

20.09.2017


Appellant in person and Mr. Muhammad Bilal, Deputy District Attorney alongwith Hamid Mansoor, Junior Clerk for the respondents present. Appellant seeks adjournment as his counsel is not in attendance today. Adjourned. To come up for rejoinder and arguments on 20.11.2017 before D.B at camp court, Abbottabad. Status-quo be maintained till the date fixed.

  
Member

  
Chairman  
Camp court, A/Abad.

20.11.2017

Junior to counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney alongwith Hamid Mansoor, Senior Clerk for the respondents present. Senior Counsel for the appellant is not in attendance. Requested for adjournment. To come up for arguments on 22.11.2017 before the D.B at camp court, Abbottabad. Status quo be maintained till the date fixed.

  
Member

  
Chairman  
Camp court, Abbottabad.

1011/16

16.02.2017

Appellant in person and Mr. Hamid, Junior Clerk alongwith Mr. Muhammad Siddique Sr.GP for the official respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 20.4.2017 before S.B at camp court, Abbottabad. Status quo be maintained.



MEMBER  
Camp Court, A/Abad

20.04.2017

Clerk of counsel for the appellant and Mr. Hamid Mansoor, Assistant alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Written reply not submitted despite last opportunity. Last opportunity is further extended subject to payment of cost of Rs. 500/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost on 18.05.2017 before S.B at camp court, Abbottabad. Status quo be maintained.



Chairman  
Camp Court, Abbottabad.

25.05.2017

Since tour programme to camp court, Abbottabad for the month of May, 2017 has been cancelled by the Worthy Chairman, therefore, case to come up for the same on 21.07.2017 at camp court, Abbottabad. Notices be issued to the parties for the date fixed accordingly



Registrar

Appeal No. 1011/2016  
Adil Shauqat vs Govt

20.10.2016

Learned counsel for the appellant argued that the appellant was serving as PET at GMS Potha, district Mansehra when transferred from the said school to GHSS, Pairan vide impugned order dated 19.05.2016 on disciplinary grounds where-against appellant preferred departmental appeal on 01.06.2016 which was not responded and hence the instant service appeal on 06.09.2016.

That no complaint whatsoever lodged against the appellant and as such the impugned order is against facts and law and appellant entitled to serve at GMS, Potha. That the appellant has not yet relinquished the charge.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 24.11.2016 before S.B at camp court, Abbottabad. Status quo be maintained.

Appellant Deposited  
Security Access Fee

Chairman  
Camp Court, A/Abad

24.11.2016




Agent of counsel for the appellant, Mr. Hamid, Junior Clerk alongwith Mst. Bushra Bibi, Government Pleader for official respondents No. 1 to 3 present. Requested for adjournment. None present for private respondents No. 4 to 8. Proceeded ex-parte. To come up for written reply/comments on 16.02.2017 at camp court, Abbottabad. The restraint order shall continue.

Chairman  
Camp Court, A/Abad

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 1011/2016


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	28/09/2016	<p>The appeal of Mr. Adil Shahzad resubmitted today by Mr. Muhammad Qasim Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2	29-9-16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>04-10-2016</u></p> <p> CHAIRMAN</p>
04.10.2016		<p>Counsel for the appellant present. He stated that since the appeal falls in the jurisdiction of Service Tribunal at Camp Court Abbottabad therefore the appeal may be fixed there for preliminary hearing. Hence, to come up for preliminary hearing on 20.10.2016 at Camp Court Abbottabad. Meanwhile pre-admission notice be issued to the respondents for the date fixed.</p> <p> (PIR BAKHSH SHAH) MEMBER</p>

The appeal of Mr. Adil Shahzad PET GMS Potha Tehsil and Distt. Mansehra received today i.e. on 06.09.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copies of enquiry report and page no.25 of the appeal are illegible which may be replaced by legible/better one.
- 2- Annexures of the appeal may be attested.
- 3- Approved file cover is not used.
- 4- Memorandum of appeal may be got signed by the appellant.
- 5- One copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1467 /S.T,

DI. 6/9 /2016

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Muhammad Qasim Advocate  
High Court Mansehra.

*May kindly be Resubmitted after removing objection*  
*Qasim*  
*27/8/16*



**BEFORE THE KHYBER PAKHTUNKHWA,  
SERVICE TRIBUNAL,  
P E S H A W A R**

*Appeal No. 1011/2016*

Adil Shahzad.....Appellant

**Versus**

The Secretary through Government of  
K.P.K. Education Department  
(Schools & Literacy), Civil Secretariat,  
Peshawar etc.....Respondents

**SERVICE APPEAL**

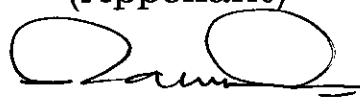
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**Dated 02.09.2016**

**Adil Shahzad**  
(Appellant)

Through: -

  
**MUHAMMAD QASIM**  
Advocate High Court,  
District Courts,  
(Mansehra)

P-①

**BEFORE THE KHYBER PAKHTUNKHWA,  
SERVICE TRIBUNAL,  
PESHAWAR**

A.No. 1011/16

Adil Shahzad, PET, Government Middle School, Potha, Tehsil and District Mansehra.....Appellant

Khyber Pakhtunkhwa Service Tribunal

Diary No. 968

Dated 06-9-2016

**Versus**

- 1) The Secretary through Government of K.P.K. Education Department (Schools & Literacy), Civil Secretariat, Peshawar.
- 2) The Director, Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 3) District Education Officer, Mansehra.
- 4) Muhammad Naseem Khan, Principal, Government Higher Secondary School, Bahali Mansehra (Inquiry Officer).
- 5) Wajid Iqbal, Principal Government Higher Secondary School Baffa, Mansehra.
- 6) Siddiq-Ur-Rehman, PET, Govt. Higher Secondary School Pairan, Mansehra.
- 7) Sajjad Ahmed, Headmaster Govt. Middle School Potha, Mansehra
- 8) Shahid Iqbal, CT, Government Midle School Potha, Tehsil and District Mansehra....Respondents

respondents 4 to 8  
Placed ex-parte  
vide order dt: 24/11/16

Filed to-day  
*[Signature]*  
Registrar  
6/9/16

**SERVICE APPEAL UNDER K.P.K.  
SERVICE TRIBUNAL ACT, 1974  
AGAINST THE IMPUGNED ORDER  
ENDST. NO. 6047-56/DEO(M)**

Re-submitted to -day  
and filed.

*[Signature]*  
Registrar  
28/9/16

**MANSEHRA, DATED 19.05.2016**  
**PASSED BY RESPONDENT NO. 3**  
**WHEREBY THE APPELLANT WAS**  
**MALAFIDELY TRANSFERRED ON**  
**THE BASIS OF SO-CALLED**  
**INQUIRY AND DISCIPLINARY**  
**GROUND.**

**PRAYER: -**

On acceptance of the instant appeal the impugned order bearing endst. No. 6047-56 dated 19.05.2016 District Education Office Mansehra passed by the respondent No. 3 may kindly be set aside and respondents be directed to restore the transfer order of appellant endst No. 1870-79 dated 03.07.2012 vide which the appellant was posted at GMS Potha.

**Respectfully sheweth!**

1) That, the appellant is performing his duties against the post of PET at Govt. Middle School Potha since 03.07.2012.

(Copy of order is annexed as Annexure "A").

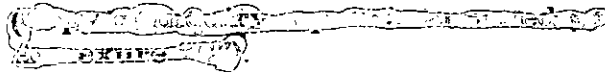
2) That, since appointment, the appellant has been performing his duties with utmost devotion and satisfaction to the concerned which unblemished career service.

3) That, an inquiry with reference to DEO(M) Mansehra, No. 1801-04/Estt(M) dated 01.02.2016 and

3716-17/Estt(M) was conducted against respondents Nos. 7&8.

(Copy of inquiry report is annexed as Annexure "B").

4) That, while conducting above mentioned inquiry no allegation was leveled against the appellant, for which appellant could not be held responsible of the answerable, moreover, in the absence of any complaint against appellant, there may not exist any question of inquiry against appellant. In spite of this without informing about the inquiry and giving show cause notice and charge sheet to appellant malafidely negative remarks have been passed against appellant by recording not fully satisfactory by Inquiry Officers. .



5) That, the Inquiry Officers while conducting the inquiry has record wrong remarks against the subjects which were wrongly detailed to teach the appellant as appellant has appointed as Physical Education Teacher, but forcibly and violating the

conditions of Notification No. 7591-8091 of May, 1988 by Director Bureau of Curriculum Development and Education Extension Service NWFP, Abbottabad detailed to subjects English, Maths & Science.

(Copy of notification is annexed as Annexure "C").

- 6) That, statement of the local communities are in favour of appellant.

(Copies of statements are annexed as Annexure "D").

- 7) That, on the basis of above mentioned so-called, illegal, unjustified inquiry by imposing as penalty upon appellant by respondent No. 3 in shape of transferring from Govt. Middle School Potha to Govt. Higher Secondary School Pairan, Tehsil and District Mansehra vide the impugned order endst. No. 6047-56 dated 19.05.2016.

(Copy of order is annexed as Annexure "E").

- 8) That, feeling aggrieved the appellant filed a departmental appeal to the respondent No. 2 which is still pending without any decision by the department

concerned and after passing a period of 90 days which is deemed to be dismissed as per law.

(Copy of appeal is annexed as Annexure "F").

- 9) That, on receiving the said comments/remarks of Inquiry Officer the respondents Nos. 4&5 penalized the appellant in shape of his above mentioned transfer vide the afore-stated impugned order, hence, the instant service appeal inter-alia on the following grounds: -

### **GROUND:**

- A) That, no complaint has ever been filed by any one against the appellant while serving during the period at Govt. Middle School Potha.
- B) That, having no complaint and inquiry no show cause notice and charge sheet was given to appellant and without affording the opportunity of personal hearing impugned order has been malafidely announced and thereby wrongly on the basis of

so-called inquiry and disciplinary grounds penalty has been imposed in shape of appellant transfer, which is result of misuse and abuse of wasted authority.

- C) That, the appellant is PET Teacher and subjects for which the appellant has been appointed as technical subject regarding Physical Education as to its nature but unjustifidely, wrongly and in violation of the condition Notification No. 7591-8091 dated May, 1988 issued by the Director Bureau of Curriculum Development and Education Service Department, KPK, appellant was forcibly detailed to teach English subjects for which appellant was not responsible as per law, however inspite of this appellant have fully completed the required course which is crystal clear from the statement of locality.
  
- D) That, the given procedure has not been adopted prior to issuance of impugned order.

- E) That, the impugned order has been passed in flagrant violation of the golden principle of natural justice that "no person should be condemned unheard".
  
- F) That, the impugned order is the result of pick and choose, like, dislike and partiality and is also discriminatory and perverse one as evident from the record.
  
- G) That, the so-called proceedings on the basis of which said impugned order has been passed are in blatant violation of law and rules.
  
- H) That, firstly respondents Nos. 4&5 by conducting the impugned inquiry and respondent No. 3 while passing the impugned transfer order, both have exceeded from the mandate of inquiry and the vested authority.
  
- I) That, respondents Nos. 4&5 while carrying out the impugned inquiry have miserably failed to understand that mandate of the inquiry and complaint of community was against the respondents Nos. 7&8 and at no



cost the appellant can be dragged into such inquiry in that also without affording any opportunity to be heard, neither any show cause notice nor any charge sheet was issued to appellant by the Inquiry Officers/respondents Nos. 4&5 or by any competent officer.

J) That, it is first, utmost and inalienable fundamental rights of a citizen a guaranteed by the constitution of Islamic Republic of Pakistan, 1973 in shape of article 4 and article 10-A to be strictly deal in accordance with law and right to fair trial which has been brutally violated by the respondents Nos. 3&4.

K) That, officials/officers, respondents Nos. 7&8 against whom the impugned inquiry carried out and who are held responsible as a result of impugned inquiry have been awarded with reward in shape of promotion and transfer to nearby station of their home which further strengthen the version of appellant regarding discrimination caused by

respondents Nos. 3,4&5, firstly during carrying out of inquiry and subsequently while passing/ issuing the impugned order and appellant has been made only a escape goat.

(Copy of orders are annexed as Annexure "A, B, C, D" respectively).

L) That, the mandate of inquiry has been brutally violated and inquiry officer has by-passed the specified parameters of law as inquiry was confined to the extent of respondents Nos. 7&8.

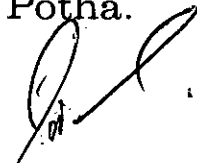
M) That, the other legal and factual points which may arise during the course of arguments shall be raised and argued at the time of arguments, subject to prior permission of this august Tribunal.

**PRAYER: -**

It is, most humbly prayed that on acceptance of the instant appeal the impugned order bearing endst. No. 6047-54 dated 19.05.2016 District Education Office Mansehra passed by the respondent No. 2 may kindly be set aside and respondents be directed to restore the transfer order of appellant endst No. 1870-79 dated

03.07.2012 vide which the appellant was posted at GMS Potha.

Dated 02.09.2016



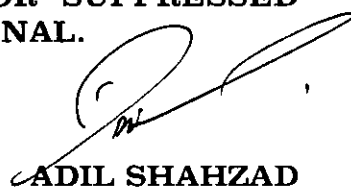
**Adil Shahzad**  
(Appellant)

Through: - 

**MUHAMMAD QASIM**  
Advocate High Court,  
District Courts,  
(Mansehra)

**VERIFICATION**

I, ADIL SHAHZAD, PET TEACHER, GOVERNMENT MIDDLE SCHOOL, POTHA, TEHSIL AND DISTRICT MANSEHRA DO HEREBY VERIFY THAT THE CONTENTS OF FORE-GOING APPEAL ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS AUGUST TRIBUNAL.



**ADIL SHAHZAD**  
(DEPONENT)

**BEFORE THE KHYBER PAKHTUNKHWA,**  
**SERVICE TRIBUNAL,**  
**P E S H A W A R**

Adil Shahzad.....Appellant

**Versus**

The Secretary through Government of  
K.P.K. Education Department  
(Schools & Literacy), Civil Secretariat,  
Peshawar etc.....Respondents

**SERVICE APPEAL**

**APPLICATION FOR SUSPENSION**  
**OF OPERATION OF IMPUGNED**  
**ORDER ENDST. NO. 6047-54,**  
**DATED 19.05.2016 TILL THE FINAL**  
**DISPOSAL OF ABOVE TITLED**  
**APPEAL.**

**Respectfully sheweth!**

- 1) That, this application may kindly be considered as integral part and parcel of above titled appeal.
- 2) That, balance of convenience tilts in favour of appellant.
- 3) That, the petitioner is hopeful for every success of the above titled appeal.
- 4) That, respondents are going to bent upon the impugned order, if they succeeded the very purpose of appeal will be fruitless.
- 5) That, if the operation of the impugned order is not suspended


the appellant will suffer irreparable loss.

In view of the above circumstances and facts it is, therefore, most humbly prayed and requested that the operation of the impugned order may kindly be suspended till the final disposal of above titled appeal.

Dated 02.09.2016

  
**Adil Shahzad**  
(Appellant)


Through: -

  
**MUHAMMAD QASIM**  
Advocate High Court,  
District Courts,  
(Mansehra)

**AFFIDAVIT**

I, ADIL SHAHZAD, PET TEACHER, GOVERNMENT MIDDLE SCHOOL, POTHA, TEHSIL AND DISTRICT MANSEHRA DO HEREBY SOLEMNLY AFFIRM AND DECLARE ON OATH THAT THE CONTENTS OF FORE-GOING APPLICATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS AUGUST TRIBUNAL.

  
**ADIL SHAHZAD**  
(DEPONENT)

*Attested*  
  
Syed Niaz Ali Shah Advocate  
Cath Commissioner  
3-9-2016  
Dist: Courts Mansehra

**BEFORE THE KHYBER PAKHTUNKHWA,**  
**SERVICE TRIBUNAL,**  
**P E S H A W A R**

Adil Shahzad.....Appellant

**Versus**

The Secretary through Government of  
K.P.K. Education Department  
(Schools & Literacy), Civil Secretariat,  
Peshawar etc.....Respondents

**SERVICE APPEAL**

**Correct addresses of the parties**

**Respectfully sheweth!**

Correct addresses of the parties  
are as under: -

**APPELLANT**

Adil Shahzad, PET, Government  
Middle School, Potha, Tehsil and  
District Mansehra

**RESPONDENTS**

- 1) The Secretary through Government  
of K.P.K. Education Department  
(Schools & Literacy), Civil  
Secretariat, Peshawar.
- 2) The Director, Elementary and  
Secondary Education, Khyber  
Pakhtunkhwa, Peshawar.
- 3) District Education Officer,  
Mansehra.
- 4) Muhammad Naseem Khan,  
Principal, Government Higher

Secondary School, Bahali Mansehra  
(Inquiry Officer).

- 5) Wajid Iqbal, Principal Government  
Higher Secondary School Baffa,  
Mansehra.
- 6) Siddiq-Ur-Rehman, PET, Govt.  
Higher Secondary School Pairan,  
Mansehra.
- 7) Sajjad Ahmed, Headmaster Govt.  
Middle School Potha, Mansehra
- 8) Shahid Iqbal, CT, Government  
Midle School Potha, Tehsil and  
District Mansehra

Dated 02.09.2016



**Adil Shahzad**  
(Appellant)

Through: -



**MUHAMMAD QASIM**  
Advocate High Court,  
District Courts,  
(Mansehra)

**BEFORE THE KHYBER  
PAKHTUNKHWA, SERVICE TRIBUNAL,  
P E S H A W A R**

Adil Shahzad.....Appellant


**Versus**

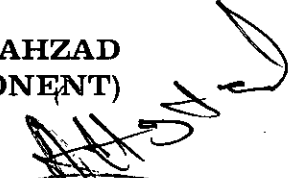
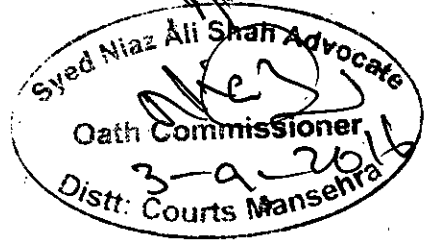
The Secretary through Government of  
K.P.K. Education Department  
(Schools & Literacy), Civil Secretariat,  
Peshawar etc.....Respondents

**SERVICE APPEAL**

**AFFIDAVIT**

I, ADIL SHAHZAD, PET TEACHER,  
GOVERNMENT MIDDLE SCHOOL, POTHAN,  
TEHSIL AND DISTRICT MANSEHRA DO  
HEREBY SOLEMNLY AFFIRM AND  
DECLARE ON OATH THAT NO SUCH  
SUBJECT MATTER APPEAL HAS EVER BEE  
FILED BEFORE THIS HONORUABLE  
TERIBUNAL NOR PENDING NOR DECIDED.  
THAT THE CONTENTS OF FORE-GOING  
AFFIDAVIT ARE TRUE AND CORRECT TO  
THE BEST OF MY KNOWLEDGE AND BELIEF  
AND NOTHING HAS BEEN CONCEALED OR  
SUPPRESSED FROM THIS AUGUST  
TRIBUNAL.

  
ADIL SHAHZAD  
(DEPONENT)

  
  
Syed Niaz Ali Shah Advocate  
Oath Commissioner,  
3-9-2016  
Distt: Courts Mansehra



## OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E.S.S.E) MANSEHRA

TRANSFER:-

Consequent upon the approval of competent authority, the following male teachers are hereby transferred/adjusted on their own pay and grade noted against each in the interest of public service with immediate effect.

S#	Name & Designation	From	To	Remarks
1	Shahid Iqbal CT	GMS Badal Gran	GMS Pota	A/g Newly created post
2	Shahjehan CT	GHS Bela Manoor	GMS Pota	A/g Newly created post
3	Liaqat Ali AT	GMS M.B.Kalan	GMS Pota	A/g Newly created post
4	Muhammad Mushtaq AT	GMS Nara Doga	GMS M.B.Kalan	A/g V.Post
5	<del>Muhammad Shahid</del> DM Tahir Ali	GHS Hussanian	GMS Pota	A/g Newly created post
6	Hamad DM	GMS Sokal	GHS Hussanian	V.S.No. 05
7	Adil Shahzad PET	GMS Narbeer	GMS Pota	A/g Newly created post

## Note:-

1. Charge report should be submitted to all concerned.
2. No TA/DA is allowed.

-----Sd-----

EXECUTIVE DISTRICT OFFICER  
ELEM: & SECY: EDU: MANSEHRAEndst: No. 1870-79Dated: 03/7/2012

## Copy to:-

1. The District Accounts Officer Mansehra.
2. The Principal/Headmaster Concerned.
3. Teachers concerned.
4. Office File.

*Attested*  
*Qanim*  
*27/9/16*

*[Signature]*  
DISTRICT OFFICER (MALE)  
ELEM: & SECY: EDU: MANSEHRA

Copy of the inquiry report provided to Mr. Sajjad  
on his request N/A 24/05/2016

Annexure "B"

Office of the Principal GHSS Baffa Mansehra NO

Dated

To,

The DEO (M),

Mansehra

Subject: Inquiry Report GMS Potha

Reference DEO (M) Mansehra NO: 1801-04/Estt: (M) 01/02/2016 and No. 3716-17/Estt:(M)  
dated 25/03/2016

The inquiry report as to GMS Potha Mansehra is submitted as under:

TORS of the inquiry:

Part A

1. The Complaint of the community against the Head master GMS Potha as to the Inefficiency in managing the institute, embezzlement charges, absenteeism of the HM GMS Potha, utilization of PTC through non-representative PTC chairman.
2. The complaint of five so called PTC members who were made members without their consent/information and who leveled corruption charges against the HM GMS Potha
3. The complaint of Mr. Shahid Iqbal, the CT teacher of GMS Potha, against the HM.

Part B

The Complaint of the HM GMS Potha against Mr. Shahid Iqbal, the CT teacher of the same school.

### PART A report

#### The reply of Mr Sajjad HM GMS Potha

In response to the questionnaire administered to Mr. Sajjad he replies that:

1. The inquiry conducted by Mr. Shad Muhammad HM Sum was not satisfactory because in that inquiry all the expenditure made by the school from boundary wall amount in different heads could not be recorded such as basket ball court construction, barbed wire purchase, four windows purchase, computer system for the school, chair and table for HM office, newly constructed portion of boundary wall; Mr. Shad Muhammad, HM Sum, has estimated only upraising and plastering of the boundary wall.
2. The school PTC was constituted in the beginning of 2013. The members whose children had graduated from the school were removed from the PTC membership and the community's involvement in the school affairs after the school received PTC

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Sajjad  
27/9/16

funds, had hindered the revival of the PTC; he, the chairman PTC and teachers have spend provided funds efficiently and with integrity.; his conscience is satisfied; all the teachers were involved in the purchase process and their signature are affixed on the back of the receipts.

3. The elders of the community have reservations/suspicious as to the PTC which now have been removed; no embezzlement is done in the funds (receipts are attached as proof).
4. He was asked to provide details of expenditure in different heads. In reply he has attached receipts with the reply:
  - a. Boundary wall raised up to 3.5 feet(actual 3 feet)
  - b. Actual boundary wall height was 6 feet
  - c. Barbed wire 27 bundles cost = Rs 52000/- plus transportation cost of Rs. 6000/-
  - d. At some places boundary wall was dismantled and newly constructed.
  - e. Cement, sand and crush receipts are attached.
  - f. Some area of the school which was outside the school premises is included in the school.
  - g. School name board was purchased.
  - h. Four iron windows, basket ball court, office table and chair, computer and printer have been purchased from the boundary wall amount.
5. The school received the following amounts under different heads:
  - I. Boundary wall= Rs. 66300/-
  - II. Sports items= Rs. 100000/-
  - III. Group latrine= Rs. 160000/-
  - IV. Water supply= Rs. 200000/-

The amounts in first two heads have been utilized.
6. He does not admit the allegations that he used to remain absent for many days from the school and later on records his presence. He is of the view that he used to take English classes regularly in 8<sup>th</sup> class.
7. He negates the allegation that he made a fake chairman of the PTC. He is of the opinion that the chairman performed well; he was an upright person that would be authenticated by the local community and he is an *Imam masjid* and his children still study in the school.
8. He is of the opinion that he performs his duties well. (annexure A)
9. Mr. Sajjad Ahmed HM has also submitted affidavits of parents that the staff of GMS Potha performance is satisfactory. (Annexure B)

#### The Reply of the Community Representatives

1. In reply to the questionnaire, administered to the community representatives, they disown most of the allegations they had raised against HM Sajjad in their application.

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2. They showed satisfaction as to the work of HM Sajjad.
3. However, as to the allegation of embezzlement of the PTC funds the community representatives desired to be inquired into by the inquiry committee. (Annexure C)
4. Furthermore, the representatives of the community in oral discussion with them desired that all the staff to be transferred from the school.

#### Ex- PTC Chairman PTC Reply

1. Mr. Arshid, ex-chairman PTC, in reply to the questionnaire, administered to him, says that his selection as chairman was according to the laid down procedure.
2. His one son and one daughter are still the students of the school.
3. He claims that PTC meetings were held to sanction expenditure from PTC funds.
4. Some members have not turned up for meetings because there exists no legal position of them to remain members of the PTC. (Annexure D)

❖ No Ex-PTC Member turned up in the school to prove their allegations of corruption, etc. against Sajjad Ahmed HM leveled by them in their application.

#### The Sample Evaluation of the Work of the Teachers in 7<sup>th</sup> class

The students of the class were asked about the work done. The students have no books and notebooks with them to do physical verification of the work done. Their replies are tabulated in the following:

Subject	Teacher Name	Course coverage during 2015-16	Class work done and checked(as per students statement)	Students view about teachers teaching	Students responses to questions on course
English	Adil	13/19 chapters	Yes	Satisfied	Not fully satisfactory
Urdu	Malik shahid	Completed the course	Yes	Satisfied	Not fully satisfactory
Science	Malik shahid and Liaqat	6/13 chapters	Yes	Satisfied	Not fully satisfactory
Hist/Geography	Shah Jehan	5/5 His. and 11/11 geography	Yes	Satisfied	Not fully satisfactory
Islamiyat	Khalid Naseem	81/94 pages	Yes	Satisfied	Not fully satisfactory
Arabic	Liaqat	39/81 pages	Yes	Satisfied	Not fully satisfactory
Math	Liaqat	216/243 pages	Yes	Satisfied	Not fully satisfactory

Attested  
Sajjad HM  
27/9/16

### The details of the expenditure of boundary wall funds

Mr. Sajjad HM provided the details of the expenditure and receipts made out of the boundary wall funds which are attached as Annexure 'E and F'.

1. Total Amount= Rs.661000/-

2. Spending on raising wall and constructing new wall and constructing basket ball court =Rs.478932/-

3. Other spending out of the boundary wall funds= Rs. 177901/-

Total= Rs.656833/-

The inquiry committee measured the boundary wall raising and new construction work and also the work of construction of the basket ball court which is given in the below table:

Detail of the work done for raising and new construction of boundary wall + construction basket ball court	
I. Eastern side wall	<ul style="list-style-type: none"> <li>a) New construction and plastering on both sides =75x9 square feet (thickness of the wall 5.5 inches).</li> <li>b) Bricks are used for constructing wall.</li> <li>c) 3x23 square feet raised and plastered (thickness of the wall 5.5 inches)</li> <li>d) 6x23 square feet plastered (thickness of the wall 5.5 inches).</li> <li>e) Bricks are used for constructing wall.</li> </ul>
II. western side wall	<ul style="list-style-type: none"> <li>a) Raised and plastered on both side=3x 75 s.f (thickness of the wall 5.5 inches).</li> <li>b) Plastered on both side=75x6 s.f (thickness of the wall 5.5 inches).</li> <li>c) New construction and plastering on both sides=28x9 s.f (thickness of the wall 5.5 inches).</li> <li>f) Bricks are used for constructing wall.</li> </ul>
III. Northern side wall	<ul style="list-style-type: none"> <li>a) raised and plastered on both side =109x3 s.f (thickness of the wall 5.5 inches)</li> <li>b) Plastering on both side=110x6 s.f (thickness of the wall 5.5 inches)</li> <li>g) Bricks are used for constructing wall.</li> </ul>
IV. Southern side wall	<ul style="list-style-type: none"> <li>a. New construction and plastering= 27x9 s.f (thickness of the wall 5.5 inches)</li> <li>b. Bricks are used for constructing wall.</li> </ul>
	<ul style="list-style-type: none"> <li>c. construction of Basket Ball court of 4 inches thick rough floor with sand and crush material=60x 33.4 s.f</li> </ul>

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- The spending on other items out of the boundary wall funds is mostly justified except spending on purchase of computer and office table (amounting to Rs. 30650/-).
- Out of the boundary wall funds Rs. 64712/- have been spent on the purchase of Barbed wire which has not yet been installed on the walls.

#### Sports funds Utilization

Out of the sports funds of Rs. 100000/- the following purchases are made:

S.No	Item	Amount
1	Basket ball poles and accessories (brackets)	Rs. 46450/-
2	Sports gears 1	Rs. 29765/-
3	Sports gears 2	Rs. 16050/-
4	Megaphone	Rs. 1550/-
5	Sales Tax	Rs. 4762/-
	Total	Rs. 97027/-

(Annexure G)

- The basket ball poles and accessories (brackets) price charged by the supplier seemingly high than the market price; the pipes market price is about Rs.18000/- to Rs.19000/- which is charged by the supplier Rs. 25500/- . The poles fitting charges of Rs.6000/- are also seemingly a bit high.
- The accessories like brackets of basket ball poles were not found in the school.

#### Part B of the inquiry

Reply of Mr. Sajjad HM GMS Potha-as to the part B of the Inquiry

1. He does not reply what is asked about the conduct of Mr. Shahid Iqbal CT and any disciplinary action taken against him; instead he says that Mr. Shahid Iqbal has determined to perform well in future and would make up of his deficiencies and negligence of the past and would try to be a good teacher.
2. He is of the view that his allegations of involvement in subversive activities on the part of Mr. Shahid Iqbal were based on suspicions/ misunderstandings. Now he has no reservations/suspicions against Mr. Shahid Iqbal.(Annexure A)

Attested  
Sajjad  
27/9/16

#### Reply of Mr. Shahid Iqbal CT GMS Potha

1. Mr. Shahid Iqbal CT in reply to the questionnaire, administered to him, disowns all the allegations he raised against HM Sajjad in his application.
2. He says that he has been performing his duties well. He has completed his course during the academic year 2015-16.
3. The HM Sajjad, he says, has not ever initiated any disciplinary action except this application during work in his supervision.
4. He has not given any threat to HM Sajjad.
5. He declares HM Sajjad as his brother and a respectable person.
6. He says that during the period he had severed relations with HM Sajjad they both had no consultation with each other on any matter, bad or good. (Annexure G)

#### The Findings of the Inquiry about Part A

1. The community representatives disown most of the allegations against the HM Sajjad
2. Mr. Sajjad Ahmed HM negates the charges leveled against him by the community representatives.
3. Mr. Shahid Iqbal CT also disowns all the allegations he leveled against HM Sajjad Ahmed in his application.
4. The course coverage in English, science, Mathematics and Arabic subjects is not satisfactory at all in 7<sup>th</sup> class which were taught by Mr. Adil, Mr. Malik shahid and Mr. Liaqat respectively.
5. The students' responses about the course learning were also not fully satisfactory in the same class. The physical verification of the work done and checked by the teachers was not possible as the students have no notebooks with them.
6. Mr. Sajjad Ahmed HM academic supervision is not satisfactory; no teachers' diaries are maintained in the school to ensure course planning and completion.
7. The basket ball poles and accessories price charged by the supplier seemingly high than the market price; the pipes market price is about Rs.18000/- to Rs.19000/- which is charged by the supplier Rs. 25500/- . The poles fitting charges of Rs.6000/- are also seemingly a bit high.
8. The accessories like brackets of basket ball poles were not found in the school.
9. The PTC of the school has not been revived in time by Mr. Sajjad Ahmed HM after some members children have graduated from the school and these members have not been involved in PTC decisions; most of the decisions have been taken by Mr. Sajjad Ahmed HM and Mr. Arshid, ex-chairman. This is negligence on the part of Mr. Sajjad Ahmed HM that he has not involved all the PTC members in decision-making.

#### The Findings of the Inquiry about Part B

1. Mr. Sajjad Ahmed HM says that Mr. Shahid Iqbal CT showed determination that he would Perform well in future; the HM has avoided to reply about the conduct of the teacher in the past.

Attested  
Sajjad Ahmed  
27/8/16

2. Mr. Sajjad Ahmed is of the view that his allegations of involvement in subversive activities on the part of Mr. Shahid Iqbal were based on suspicions/ misunderstandings. Now he has no reservations/suspicions against Mr. Shahid Iqbal.

#### Recommendation about Part A

1. Mr. Sajjad Ahmed negligence in not involving all the PTC members in decision making makes him liable to be censured to mend his conduct in future.
- ✓ 2. The Headmaster Sajjad Ahmed, Mr. Malik Shahid Iqbal and Mr. Adil and Mr. Liaqat have failed to fulfill their academic duties satisfactorily as is evident from the course coverage in sample work checking of 7<sup>th</sup> class, therefore, they may be transferred from the school; the community has also desirous that the staff be transferred.
3. The charges of embezzlement in boundary wall funds can be proved if the work done of the boundary wall and the basket ball court does not match with the expenses made on this account. The following details may please be forwarded to the C&W department for its opinion and in the light of the findings/opinion of the C&W department necessary action may be taken against Mr. Sajjad Ahmed headmaster GMS Potha:

Spending on raising wall and constructing new wall and constructing basket ball court =Rs.478932/-

The inquiry committee measured the boundary wall raising and new construction work and also the work of construction of the basket ball court which is given in below table:

Detail of the work done for raising and new construction of boundary wall + construction basket ball court	
V. Eastern side wall	<ul style="list-style-type: none"> <li>h) New construction and plastering on both sides =75x9 square feet (thickness of the wall 5.5 inches).</li> <li>i) Bricks are used for constructing wall.</li> <li>j) 3x23 square feet raised and plastered (thickness of the wall 5.5 inches)</li> <li>k) 6x23 square feet plastered (thickness of the wall 5.5 inches).</li> <li>l) Bricks are used for constructing wall.</li> </ul>
VI. western side wall	<ul style="list-style-type: none"> <li>d) Raised and plastered on both side=3x 75 s.f (thickness of the wall 5.5 inches).</li> <li>e) Plastered on both side=75x6 s.f (thickness of the wall 5.5 inches).</li> <li>f) New construction and plastering on both sides=28x9 s.f (thickness of the wall 5.5 inches).</li> <li>m) Bricks are used for constructing wall.</li> </ul>
VII. Northern side wall	<ul style="list-style-type: none"> <li>c) raised and plastered on both side =109x3 s.f (thickness of the wall 5.5 inches)</li> <li>d) Plastering on both side=110x6 s.f (thickness of the wall 5.5 inches)</li> <li>n) Bricks are used for constructing wall.</li> </ul>

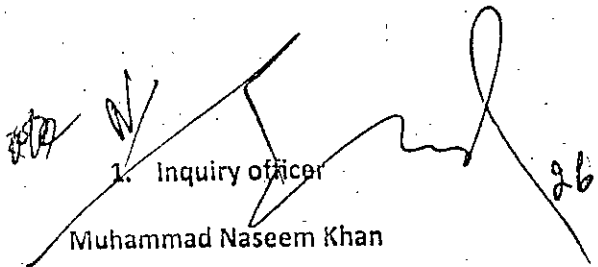


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27/9/16

VIII. Southern side wall	
d.	New construction and plastering= 27x9 s.f (thickness of the wall 5.5 inches)
e.	Bricks are used for constructing wall.
f.	Basket Ball court construction of 4 inches thick rough floor with sand and crush material=60x 33.4 s.f

Recommendation about Part B

Both Mr. Sajjad Ahmed HM GMS Potha and Mr. Mr. Malik Shahid Iqbal may be issued warning for making unnecessary quarrel in the school.

  
 1. Inquiry officer  
 Muhammad Naseem Khan  
 26/05/2016

2. Inquiry officer  
 Wajid Iqbal  
 Principal GHSS Baffa Mansehra

Principal GHSS Bahali Mansehra

Attested

Damin

27-09-2016

Bureau of Curriculum Development  
and Education Extension Services

N.W.F.P Abbottabad

No 7591-8091 / SS-II

Dated . 05-10-1988.

To.

All the Headmasters/Headmistresses

GHS/GGHS/GMS/GGMS in N.W.F.P

Subject : ALLOTMENT OF SUBJECTS TO THE TEACHERS

I am directed to point out that there has been a general complaint by the teachers undergoing/ Re-orientation courses of Theology teachers, Qaries/Qarias/Agro technical teachers/Drawings Masters/Mistresses/ PTIs that the Headmaster / Headmistresses generally compel/allot them to teach those subject in which they have no competency. It may be brought to your notice that it is great injustice to the cause of the students and this practice leads to the determination of education standards. The teachers who have no professional knowledge and competency of a particular subject merely waste the precious time of the students for no fault of them, e.g. when a Headmaster/Headmistress allots Math, Science , English to an Islamiyaat teacher , Qaria, PTI or DM he/she does shore injustice to the cause of the students. This problem can be best explained just to ask an Engineer , banker or Agriculturist to treat the patients . You can judge as to what would be the result of the patient if he/ she does so . Similarly to the teachers who are forced to teach those subjects on which he/she has no professional knowledge . However if there is a shortage of teachers such subjects may be allotted at the choice of these teachers who can shoulder this responsibility .

You are requested to take serious views of this fact and try to place the teachers in the capacity for which they have been employed .

This problem was also brought to the notice of Director of Education (schools) N.W.F.P in the meeting of Co-ordination council held on 4th July , 1988 at GHS No 2 Abbottabad who had directed to issue a circular to remedy this will practice.

It is hoped that you would give no chance to any of your subordinates to the any complaint of this nature which creates problems for the department and less of students .

Attested  
 Darim  
 27-9-16

P-26  
 Annexure a D

To whom it may concern

It is certified that Mr. Shahjehan (CT), Adil Shahzad (PET), Liaquat Ali (AT) and Muhammad Iqbal (DM) has been serving at GMS Potha Mansehra.

They all take keen interest in the welfare of institute and students. They all are local persons. They all are also well-reputed in the community. They are all very punctual regular in their periods and there is no complaint against them by the community, concerned Headmaster, IMU, and Education office.

We all community of village Potha, PTC chairman, PTC members and students are satisfied by their jobs and we request to concerned officers for cancellation of their transfer order and allow to these all teachers to continue their jobs at GMS Potha.

Thanks

Malik Arab Khan  
 District Council District  
 District (Mansehra)  
 CHAIRMAN P.T.C  
 GMS Potha  
 (Mansehra)

(1) Local Member Malik Arab Khan

(2) Chairman PTC Muhammad Nisar  
 13503-519618-9

(3) Retire govt servant Muhammad Ajmal -  
 13503-659221-7

(4) Consular Malik Sabir -

Malik Muhammad Sabir  
 General Council  
 VIC Ogra UIC Beron  
 Tehsil & District

(5) Member PTC Sherab - 13501-1335770-9

(6) Member PTC Malik Aman - 13503-0661569-5

(7) Member PTC Muhammad Tanveer - 13503-03582365-1 M

Parents of the Students

شماره کارڈ نمبر + دستخط	نام والدین طلبہ	شماره کارڈ نمبر + دستخط	نام والدین طلبہ
13503-6977608-9	جسید	13503-4034258-7	محمد سلیم
DD1077770628	خواب خان	37101-8771074-1	شاہ حسین
13503-9881420-5	اعجاز احمد	13504-9496618-7	محمد الہام
13503-7251777-9	عاجہ خان	13501-1333377-9	محمد شہیار
13503-0416157-5	محمد رمضان	13503-0671493-7	زراد احمد

Attested  
27-9-16.

Annexure "E"

P-27



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA

ORDER

Consequent upon the approval of competent authority, the following SPET B-16/ PET DPS=15 (Male) are hereby transferred / adjusted against the posts mention against each on their own pay and grade in the interest of public service with immediate effect.

Sll	Name of <del>Officer</del>	From School	To School	Remarks
1	Waseem Ashraf SPET	GHS Sherpur	GHS Gorwal	A/V/Post ✓
2	Muhammad Asif SPET	GHS Ichrian	GHS M.M.Pol	A/V/Post ✓
3	Imtiaz Ahmad PET	GHS Attarshisha	GHS Manshra # 1	A/V/Post ✓
4	Akhtar Zeb PET	GMS Sokal	GHS Attarshisha	Vice Sll 3 ✓
5	Abdulqueur Rehman PET	GHS Paran	GMS Potha	Vice Sll 6
6	Adil Sheh Zad PET	GMS Potha	GHS Paran	Vice Sll 5 O/D/S Ground ✓

Note:-

- 1:- Charge Report should be submitted to all concerned
- 2:- No TA / DA is allowed

(Nisar Muhammad)  
DISTRICT EDUCATION OFFICER,  
(MALE) MANSEHRA

Endsl: No. 6047-54 /Estt:/Transfer/Adjustment/SPET/PETs dated Mansehra the 17/9/2016

Copy forwarded to the:-

1. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The Deputy Commissioner Mansehra
3. The District Monitoring Officer IMU Mansehra
4. The District Accounts Officer Mansehra
5. The All the Principals/Headmasters School concerned
6. The Teacher concerned.
7. BBAO Local office
8. Office order file

DY: DISTRICT EDUCATION OFFICER,  
(MALE) MANSEHRA

## Annexure "F"

محترم جناب ڈائریکٹر صاحب ایجوکیشن ایجوکیشن ڈیپارٹمنٹ

حکومت پنجاب، لاہور۔

حکومت پنجاب، لاہور۔

جس کی رو سے ڈی۔ ای۔ او مانسہرہ نے درخواست گزار۔۔۔ عادل شہزاد

کوڈل سکول پوٹھہ سے ڈسپلنری ایکشن کے تحت ٹرانسفر کیا۔

جناب عالی:-

موجبات اپیل ذیل عرض ہے۔

(۱)۔ یہ کہ درخواست گزار بحیثیت فیریکل ایجوکیشن ٹیچر ڈل سکول پوٹھہ تحصیل و ضلع مانسہرہ میں اپنے فرائض سرانجام دے رہا ہے۔

(۲)۔ بتاریخ 19-05-2016 کو ڈی۔ ای۔ او مانسہرہ آڈر نمبری 56-6047

کے ذریعے درخواست گزار کو ڈسپلنری ایکشن کے تحت گورنمنٹ ڈل سکول پوٹھہ سے گورنمنٹ ہائی سکول پیرا میں ٹرانسفر کر دیا گیا۔ (نقل آرڈر لف ہے)

(۳)۔ یہ کہ پوسٹنگ ٹرانسفر سرکاری ملازمت کا حصہ ہے تاہم ڈسپلنری گراؤنڈ پر کی گئی ٹرانسفر چونکہ

سزا کے مترادف ہے بدین وجہ درخواست گزار متذکرہ ہالار ٹرانسفر آردار آٹھ سو روپے کے رد برو اپیل ہذا دائر کرنا اپنا قانونی و آئینی حق تصور کرتا ہے۔

(۴)۔ یہ کہ اپیل بوجوہات ذیل قابل منظور ہے۔

(۱)۔ یہ کہ درخواست گزار کے خلاف کوئی شکایت کسی بھی شخص یا اشخاص کی طرف سے نہیں کی گئی۔

(ب)۔ یہ کہ بدین بابت محکمہ یا دیگر کسی متعلقہ اتھارٹی کی جانب سے درخواست گزار کو کبھی کوئی شوکاز نوٹس دیا گیا اور نہ ہی کسی شکایت پر بدین بابت کوئی انکوائری مقرر کی گئی۔

(ت)۔ یہ کہ کچھ عرصہ قبل ڈل سکول پوٹھہ کے ہیڈ ماسٹر سجاد احمد اور سی ٹی ٹیچر شاہد اقبال کے خلاف

تعمیراتی فنڈ میں خورد برد، غیر حاضری، پڑھانہ سکنے کی اہلیت اور انتظامی تااہلی وغیرہ کے

الزامات پر باقاعدہ شکایت کی بنیاد پر انکوائری کی گئی۔ (رپورٹ انکوائری لف ہے)۔

(ث)۔ یہ کہ متذکرہ بالا انکوائری جو درخواست گزار کے بجائے ہیڈ ماسٹر سجاد احمد اور سی ٹی ٹیچر

Attested  
Dawood  
27-8-16

Attested  
Daud  
27/9/16

شاہد اقبال کے خلاف عمل میں لائی گئی کے دوران انکو انگریزی کمیٹی نے سکول کی ساتویں جماعت کے بچوں کو انگریزی کے مضمون میں کل 19 میں سے 13 اسباق برائے سال 2015-16 پڑھانے جانے کی بناء پر درخواست گزار کا تذکرہ اپنی رپورٹ میں درخواست گزار کی مبینہ نااہلی کے طور پر کیا اور اس امر کو ملحوظ خاطر ہی نہ رکھا کہ بطور PET ٹیچر کے درخواست گزار کی ذمہ داری انگریزی مضمون بنتی ہی نہیں (جو کہ درخواست گزار کو زبردستی دیا گیا تھا) حیران کن طور پر جو متعلقہ مضمون کو کیڈر کے مطابق پڑھانے کا ذمہ دار تھا یا ہیڈ ماسٹر جو کیڈر کے مطابق ٹائم ٹیبل دینے کا ذمہ دار تھا انہیں اس نسبت سرے سے ہی برالذمہ سمجھا گیا۔ (2015-16 کے ٹائم ٹیبل کی کاپی لف ہے)۔

(ج)۔ یہ کہ انگریزی مضمون چوں کہ درخواست گزار کی قانون کے مطابق ذمہ داری ہی نہیں بنتی اس لئے اسکی نسبت سے درخواست گزار کو 'نااہل' قرار دینا یا اس کی نسبت کسی کو تاہی کا مرتکب قرار دینا قانون انصاف اور قواعد و ضوابط کے سراسر خلاف ہے۔

(ج)۔ یہ کہ جس الزام کے تحت انکو انگریزی کمیٹی نے درخواست گزار کو سزاوار قرار دیا اس کی نسبت نہ تو اس انکو انگریزی میں کوئی پوچھ گچھ کی گئی اور نہ ہی کوئی سوالنامہ دیا گیا۔ نہ ہی درخواست گزار کو سنا گیا اور نہ ہی درخواست گزار کو کسی قسم کا حق دفاع یا وضاحت کا موقع دیا گیا جو کہ انکو انگریزی کمیٹی کا یہ طرز عمل متعلقہ قانون و ضوابط کے سراسر خلاف ہے۔

(ح)۔ یہ کہ انکو انگریزی کمیٹی کو ہیڈ ماسٹر اور شاہد اقبال سی ٹی ٹیچر کے خلاف انکو انگریزی کے لیے مقرر کیا گیا بدیں وجہ درخواست گزار کے خلاف انکو انگریزی کمیٹی کی سفارشات اس کے مینڈیٹ کا نادرست استعمال ہے۔

(خ)۔ یہ کہ درخواست گزار کو نا کردہ گناہ کی سزا اسے ششواہی کا موقع دینے بغیر دی گئی تاہم مندرجہ نا اہلی کو تاہی کے اصل ذمہ داران ہیڈ ماسٹر جو جنرل آرڈر کے تحت قریب ترین سکول میں شاہد اقبال سی ٹی کو ایس سی ٹی پر پروموشن دے کر اس کی مرضی کے سکول میں اور ایک TT ٹیچر کو سفارش ہونے کے بنیاد پر میوچل کی بنیاد پر قریب ترین ٹرانسفر کیا گیا۔

جناب عالی سزا دینے کا یہ کون سا معیار ہے کہ جن کے خلاف انکوائری ہے ان میں سے ایک کے آرڈر میں ڈسپلنری کا لفظ ہی نہیں اور ڈسپلنری کو باعزت پر دوش دیا گیا ہے۔  
(ٹرانسفر آرڈرز کی کاپیاں لف ہیں)۔

Attest  
Dana

27/9/16

(د)۔ یہ کہ انکوائری رپورٹ اور اس کی بنیاد پر کیا گیا ٹرانسفر آرڈر نہ صرف متعلقہ قانون اور ضوابط کے سراسر خلاف ہے بلکہ اسے برقرار رکھنے سے درخواست گزار کے کیریئر پر ہمیشہ کے لئے غلط، خلاف قانون اور بلا جواز طور پر کالا دھبہ لگ جائے گا جو کہ درخواست کے لئے ناقابل تلافی نقصان کے مترادف ہوگا۔

لہذا استدعا ہے کہ درخواست گزار کی اپیل منظور فرمائی جائے اور ہمارے ساتھ ہونے والی زیادتی کا ازالہ کیا جائے۔

ارضی

درخواست گزار۔۔۔ عادل شہزاد

PET جی ایم ایس پوٹھہ

ضلع و تحصیل مانسہرہ

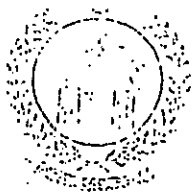
0300-911104

مورخہ 01-06-2016

D. NO 985

01-6-16

Attested.  
 Qasim  
 27-9-16.



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Annexure "G"

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA

ORDER

Consequent upon the approval of competent authority, the following SSIs (Male) are hereby transferred / adjusted against the posts mention against each on their own pay and grade in the interest of public service with immediate effect.

Sr	Name of SSI	Subject	From School	To School	Remarks
1	Hajmul Islam	General	GMS Chakli Pansial	GMS Dular	A/V/Post
2	Muhammad Sajjad Hussain	General	GHS Mohandari	GHS Attar shisha	A/V/Post
3	Sajjad Hussain	General	GHS Sangar	GHS Balakot	A/V/Post
4	Saeed Anwar	Science	GHSS Kawai	GHS Batora	A/V/Post
5	Muhammad Nawaz	General	GHS Sangar	GHS Bhangian	A/V/Post
6	Kamran Khan	General	GMS Davli	GHS Bherkund	A/V/Post
7	Muhammad Rafique	General	GHS Chatar Kot	GHS Chatar Pan	A/V/Post
8	Fida Hussain Shah	Science	GHS Timber Khola	GHS Gandhian	A/V/Post
9	Muhammad Afzal	General	GMS Mudran	GHS Josacha	A/V/Post
10	Nadeem Akhtar	General	GHS Bandi Phawe	GHS Kalwal	A/V/Post
11	Syed Farooq Hussain Shah	General	GHS Bat-doga	GHS Khayari	A/V/Post
12	Umar Khitab	Science	GHSS Jabori	GHS M.M.Pol	A/V/Post
13	Junaid Anwar	Science	GHSS Kawai	GHS Mitkot	A/V/Post
14	Munir Ahmad	Science	GHS Sangar	GHS Dera Manselra	A/V/Post
15	Azeem	General	GHS Dombal	GHS Doga	A/V/Post
16	Muhammad Aul Khan	General	GHS Hawaz Abad	GHS Batta	Vice SII 17
17	Sajjad Alam	General	GHS Batta	GHS Shunkari	A/V/Post
18	Muhammad Sarfaraz	General	GMS Dam Nalla	GHS Shohal Mazullah	A/V/Post
19	Muhammad Hiyas	General	GHS Doga	GHS Batta	A/V/Post
20	Riaz Hussain	General	GHS Darband	GHS Dhadial	A/V/Post
21	Abdul Aziz	General	GHS Darband	GHS Doga	A/V/Post
22	Asif Mehmood Qurashi	General	GHS Shahla	GHS Manselra II-1	A/V/Post
23	Muhammad Imran	General	GHS Chilla Batta	GMS Potha	Vice SII 43
24	Zahid Hussain	General	GHS Bai Bohal	GHS Shahla	Vice SII 22
25	Muhammad Naseem	General	GHS Suni	GHS Manselra II-1	A/V/Post
26	Q. Shamsu Din	General	GHS Lissan Nawab	GHS Perhinna	A/V/Post
27	Muhammad Sadique	General	GMS Ghazikot Ogri	GHS Phulra	A/V/Post
28	Ghazanfar Ali	General	GMS Khan Shikura	GHS Frangri Bala	Vice SII A2

*(Handwritten signature)*



Attended  
 Qaem  
 27/12/16

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29	Saad Muhammad	General	GMS Milkot	GMS Baffa Kalan	A/V/Post
30	Imroz Ahmad	General	GMS Chor Banda	GMS Uedadi	A/V/Post
31	Muhammad Farooq	General	GMS Nalla Jabar	GMS Bhogmang	A/V/Post
32	Khawaj Muhammad	General	GMS Madserian	GMS Chanja	A/V/Post
33	S. Mazhar Ali Shah	General	GMS Bat-doga	GMS Phulra	C Dis: Ground
34	Muhammad Shaukat	General	GMS Mohiyar	GMS Molihal	A/V/Post
35	Hussain Shah	General	GMS Sinjiala	GMS More Baffa Kalan	A/V/Post
36	Tahir P. J.	General	GHS Phulra	GMS Ugra	A/V/Post
37	Muhammad Akbar Khan	General	GHS Oghi	GMS Trawra	A/V/Post
38	Muhammad Farooq	General	GMS Jabri Choshal	GHS Ghanoool	A/V/Post
39	Abdur Rehman	General	GHS Kochali	GHS Kolika	A/V/Post
40	Sajid Rafique	Science	GHS Pahan	GHS Tallhata	A/V/Post
41	Muhammad Iqbal	General	GHS Gandhian	GMS Bafia Dorah	A/V/Post
42	Abdur Rehman	General	GHS Farangi Bala	GHS Gandhian	vice SII 41.
43	Sajjad Ahmad	General	GMS Potha	GHS Chita Bala	Vice SII 23
44	O. Rafique Rehman	General	GHS Gali Badral	GHS Mohayian	Vice SII 34
45	Muhammad Saleem	General	GHS, Perhina	GHS, Bherkun	A.V.P
46	Muhammad Ishfaq	General	GHS, Phagal	GHS, Balakot	A.V.P
47	Muhammad Ubaid Khan	General	GHS, Chinnarkot	GHS, Shinkiari	A.V.P
48	Muhammad Sadiq	General	GHS, Hawaz Abad	GHS, Shikiari	A.V.P

Note:-

- Charge Report should be submitted to all concerned
- No TA / DA is allowed

(Muhammad)  
 DEPUTY EDUCATION OFFICER,  
 (MALE) MANSEHRA

Order No. 10001 / Transfer/Adjustment/31 dated Mansehra the 19/12/2016

Copy forwarded to the:-

- The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- The Deputy Commissioner Mansehra
- The District Monitoring Officer IMU Mansehra
- The District Accounts Officer Mansehra
- The All the Principals/Headmasters School concerned
- The Teacher concerned.
- B&AO Local office
- Office order file

(Signature)  
 DY-DISTRICT EDUCATION OFFICER,  
 (MALE) MANSEHRA

Attested  
Dawood  
27-9-16

P-33

Annexure "H"

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA  
NOTIFICATION

In pursuance of the Notification issued vide Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar under Endst No 1423-29/Promotion of Senior CT (C-16) Dated Peshawar the 06/5/2016 the following 26 teachers (M) CT (B-15) were promoted to the post of Senior CT (B-16) @ (Rs: 12910-1036-43960) plus usual allowances as admissible under the rules on regular basis under the existing policy of the provincial Government on the terms & conditions giving below are hereby adjusted at the station noted against their name with immediate effect.

S.No	Name of teacher	Present Station	Place of posting	Remarks
1	Muhammad Anwar	GMS,Dhodial	GHS,Shinklari	Against Vacant Post
2	Ejaz Khan	GHSS,Baffa	GHS,Kotli Bala	Against Vacant Post
3	Muhammad Arif	GMS,Phagla	GHS,Jabba	Against Vacant Post
4	Mushtaq Hussain	GHS,Talhatta	GHS,Talhatta	Against Vacant Post
5	Muhammad Arif	GHS,Palsala	GHS,Oaiound	Against Vacant Post
6	Muhammad Flaz	GHS,Palsala	GHS,Darband	Against Vacant Post
7	Abid Hussain	GMS,Barwala	GHS,Balakot	Against Vacant Post
8	Saleem Ahmed	GMS,Dhodial	GHS,Baidra	Against Vacant Post
9	Muhammad Ishfaq	GMS,Malthal	GHSS,Kotiybala	Against Vacant Post
10	Muhammad Shabir	GHS,Shinklari	GHSS,Mansehra#1	Against Vacant Post
11	Muhammad Tayyab	GHS,Olssian	GHS,Talhatta	Against Vacant Post
12	Abid Rahim	GHS,Tarangri Bala	GHS,Kewal	Against Vacant Post
13	Ghulam Khan	GHSS,Baffa	GHSS,Shinklari	Against Vacant Post
14	Muhammad Javed	GMS,Kulhara	GHS,Shamdara	Against Vacant Post
15	Yar Muhammad	GHSS,Baffa	GHS,Oghi	Against Vacant Post
16	Altaf Hussain	GHS,S.M.Khan	GHS,Kaghan	Against Vacant Post
17	Abdul Quddus	GHS,Nambal	GHS,Chamlal	Against Vacant Post
18	Shahid Iqbal	GMS,Potha	GHSS,G.H.Ullah	Against Vacant Post
19	Muhammad Ayyub	GMS,Trawara	GHS,Dilbori	Against Vacant Post
20	Muhammad Javed	GHSS,Karori	GHSS,Karori	Against Vacant Post
21	Abdul Rehman	GHS,M.M.Pole	GHS,Bandi Shungli	Against Vacant Post
22	S.Aamar Hussain Shah	GHS,#3 Mansehra	No.3 Mansehra	Against Vacant Post
23	S.Noor Muhammad Shah	GHS,Chitta Batta	GHSS,Dohga	Against Vacant Post
24	Tahir Jamil	GMS,Kotkey	GHS,Khushala	Against Vacant Post
25	Mushtaq Ahmed	GHS,S.Muzullah	GHS,Balakot	Against Vacant Post
26	Muhammad Siraj	GHSS,Battal	GHSS,Thakro	Against Vacant Post

TERMS & CONDITIONS:

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulation as may be issued from time to time, by the Government.
3. Their services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of resignation, he shall be governed under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their seniority on lower post will remain intact.
6. They will be given an undertaking to be recorded in their service book to the effect that if any over payment is made to him in light of this order will be recovered and he is wrongly promoted will be reversed.
7. They should join their post within 15 days of this notification in case of fail to join their post within 15 days of the issuance of this notification their promotion will be expire automatically and no subsequent appeal will be entertained.
8. Checking and verification of all the documents should be ensured by the DDO Concerned.
9. Necessary entry to this effect should be recorded in their Service book.
10. No TADA is allowed for join his duty.

Sd/-

DISTRICT EDUCATION OFFICER (M)  
MANSEHRA

Endst: No 6341-50/

Estt: (M)/Promotion CT to SCT (M)

Dated 27/5/2016

Copy forwarded for information & necessary action to the:-

1. PS to Secretary to Government of Khyber Pakhtunkhwa E&SE Department Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. All the Principals/H.M School Concerned.
4. District Accounts officer Mansehra.
5. District Monitoring Officer Mansehra.
6. B & A.O Local Office Mansehra.
7. Teachers Concerned.

DY: DISTRICT EDUCATION  
OFFICER (M) MANSEHRA

Accepted  
Qasim  
27-9-16

P-34  
Annexure "1"

Office of the Headmaster GMS Potha Mansehra

In compliance the order of DEO District Mansehra vide office order Endst. No 6341 dated 27/05/2016 Mr. Shahid Iqbal C.T is hereby promoted to SCT vide S.No 18.

He is hereby relieved from his duty today dated 27/05/2016 a/n and directed to reported to Principal GHHS Garhi Habibullah, report in submitted for further n/a please.

Headmaster  
GMS Potha  
Distt: Mansehra

Dated 27/05/16 / 2016

Endosment No. 73/16

Copy to:-

- (1) DEO Mansehra
- (2) Distt:Account officer Mansehra
- (3) Distt:Monitring officer Mansehra
- (4) Depty:DEO Manseha
- (5) Office copy

# وکالت نامہ

P-35

بعدالت جناب سر و سسر ٹریبونل کشمیر

منجانب - - - - -

بنام سید ڈی و غیرہ

دعویٰ یا جرم - - - - - باعث تحریر آنگہ

مندرجہ بالا عنوان میں اپنی طرف سے بیروی و جواب دہی بنام محمد فاسم ریسٹو ویسٹ ہائی کورٹ

بدیں شرط وکیل مقرر کیا ہے میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور بوقت پکارے جانے پر وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا اگر کسی پیشی پر مظہر حاضر نہ ہو اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل بیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام کچہری کے کسی اور جگہ سماعت ہونے پر بروز کچہری کے اوقات کے آگے یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے، مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے کہ مجھے کل ساختہ پرداختہ صاحب مثل کردہ ذات خود منظور قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز روپیہ وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد ثالثی و راضی نامہ و فیصلہ برخلاف کرنے و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا ڈگری قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ بیروی مختار نامہ کرنے کا مجاز ہوگا اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا بیرٹر کو بجائے اپنے ہمراہ مقررہ کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ یہ سندر ہے۔ مضمون مختار نامہ من لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

آپ کا اور سند دلوں  
کول بوجہ  
عادل شہزاد

مورخہ ۲۰۰۰

Accepted  
Daeem

LIST OF NAMES

**BEFORE THE HONOURABLE SERVICE TRIBUNAL**  
**KPK PESHAWAR CAMP COURT ABBOTTABAD.**

Appeal No, 1011/2016

*M. Ali*  
*28/2/17*

Adil Shahzad .....APPELLANT.

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education KPK Peshawar.
2. Director Elementary & Secondary Education KPK Peshawar.
3. District Education Officer (Male) Mansehra.....RESPONDENTS.

Written reply on behalf of the Respondents No.1, 2 and 3.

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<i>S.No</i>	<i>Description of documents</i>	<i>Annexure</i>	<i>Pages</i>
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2.	<i>Affidavit</i>		<i>3</i>
3	<i>Copy of inquiry report dated 05-12-2015</i>	<i>A</i>	<i>4-7</i>
4	<i>Copy of inquiry report dated 28-12-2015</i>	<i>B</i>	<i>8-16</i>
5	<i>Copy of inquiry report dated 26-05-2016</i>	<i>C</i>	<i>17-24</i>

*[Handwritten Signature]*

ASSISTANT: DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA

①

**BEFORE THE HONOURABLE SERVICE TRIBUNAL**  
**KPK PESHAWAR CAMP COURT ABBOTTABAD.**

Appeal No, 1011/2016

Adil Shehzad PET.....APPELLANT.

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education KPK Peshawar.
2. Director Elementary & Secondary Education KPK Peshawar.
3. District Education Officer (Male) Mansehra.....RESPONDENTS.

---

Written reply on behalf of the Respondents No.1, 2 and 3.

Respectfully Shewth:

**PREIMINARY OBJECTIONS:**

1. That the appellant has got no cause of action locus standi to file the present appeal.
2. That the instant service appeal is badly time barred. Hence liable to be dismissed.
3. That the appellant has concealed material facts from his Honorable Tribunal in the instant service appeal. Hence not entitled for any relief and appeal is liable to be dismissed without any further proceeding.
4. That the instant service appeal is based on malafide intentions.
5. That the appellant has not come to this Honorable Tribunal with clean hands.
6. That the appellant is not entitled for the relief he has sought from this Honorable Tribunal.
7. That the instant service appeal is against the prevailing law and rules.
8. That the instant service appeal is not maintainable in its present form.
9. That the instant service appeal is bad for mis-joinder and non-joinder of the necessary parties.
10. That the impugned Transfer order dated 19/05/2016 of the Respondent No:3 is legally competent & liable to be maintained in favour of the Respondents.
11. That the Transfer and posting is the discretionary powers of the competent authority, and Government Employee is bound to serve anywhere as per section 10 of the civil Servant Act 1973 hence appeal is liable to be dismissed on this score alone.
12. That the authority has passed the order dated 19-05-2016 in accordance with Law, hence appeal is liable to be dismissed.

**ON FACTS:**

1. That Para No.01 need no comments, being pertains to the Service Record of the Appellant.
2. That Para No.02 is incorrect in facts the inquiry was conducted against whole staff of school on the complaint filed by community.
3. That Para No.03 is incorrect, that the complaint was filed by local community against Head Master and relevant staff of the concerned school whereupon three different inquiry was conducted against appellant and other staff, wherein all inquiry officers are recommended to transfer the staff in the interest of well being and well fair of the students. *(Copy of inquiry report vide dated 05-12-2015, 28-12-2015 and 26-05-2016 are attached as annexure A, B & C)*
4. That Para No.04 is incorrect that the inquiry vide dated 26-05-2016 was conducted against the appellant by the inquiry officers namely Muhammad Naseem Khan Principal GHSS Behali Mansehra respondent No.4 and Wajid Iqbal Principal GHSS Baffa vide reference DEO(M) Mansehra letter No 1801-4 dated 25-03-2016. wherein the inquiry was conducted against the relevant staff of the concern school, the inquiry officer specifically recommended that "The Head Master Sajjad Ahmad respondent No.7, Mr. Malik Shahid Iqbal respondent No.8, Mr Adil Shehzad and Mr Liaqat Ali had failed to fulfill their academic duties satisfactory as was evident from the course coverage in simple work checking of seventh class, therefore, they shall be transferred from the school, the local community had also desired that the staff be transferred", whereupon the competent authority had imposed a penalty upon all relevant staff wherein the staff of the concerned school have been transferred for the well being of the students in the interest of public at large.

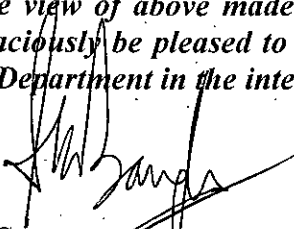
- (2)
5. That Para No.05 is incorrect the different inquiries time to time was conducted by the respondents on the basis of complaint was filed by community.
  6. That Para No.06 is incorrect reply is already been given in above Para.
  7. Para No.07 is incorrect hence denied the competent authority conducted inquiry against the whole staff of the school.
  8. Para No.08 relates to record.
  9. Para No.9 it is submitted that after complaint of community the authority conducted inquiry as per Law & rules and then passed the order dated 19-05-2016.

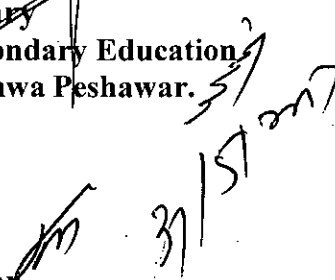
**GROUND:-**

- A. Incorrect and denied; the impugned transfer order vide dated 19-05-2016 of the Respondent No.3 in within legal sphere & is liable to be maintained in favour of the Respondents in the interest of justice.
- B. Incorrect and denied, the statement of the appellant is against the law & facts of the case as agitated in the foregoing paras of the instant reply, hence needs no further comments.
- C. Incorrect and denied, the appellant has been treated as per law and rules & his cadre in the instant case having no question of violation of law, rules & policy in the instant case.
- D. Incorrect and denied, that the transfer order is issued as per law on the basis of inquiry report as per law after observing all codal formalities i.e. personal Hearing, Showcase and statement of allegations, hence the order of the appellant is main table and the appeal of the appellant may kindly be dismissed.
- E. Incorrect and denied.
- F. Incorrect and denied.
- G. Incorrect and denied. The inquiry was conducted against the whole staff of the school concerned whereupon the transfer order was issued by the respondents.
- H. Incorrect and denied.
- I. Incorrect and denied, the answering respondents law abiding persons and cannot think to violate any Law of the country.
- J. Para No J is incorrect detail reply has already been given in above Paras.
- K. Incorrect and denied.
- L. Incorrect & misleading. However the Respondents seek leave of this Honorable Tribunal to submit addition grounds & record at the time arguments before this Honorable Bench.

**PRAYERS.**

*In the view of above made submissions, it is requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favor of the Respondent Department in the interest of justice.*

  
**The Secretary**  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa Peshawar.

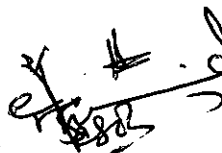
  
**The Director,**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar.

  
**The District Education Officer,**  
(Male) Mansehra



**AFFIDAVIT**

I, Hamid Mansoor on behalf of District Education Officer (Male) Mansehra do, hereby solemnly affirm and declare that the Parawise comments in the above appeal No.1011/2016 Adil Shahzad versus Education Department are true to the best of my conviction and belief and I have concealed nothing.




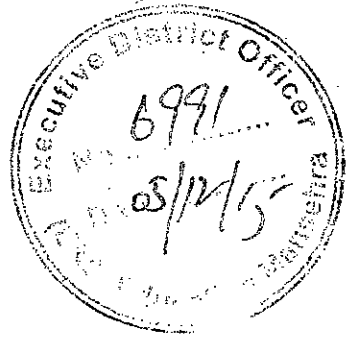
ASSISTANT DISTRICT EDUCATION OFFICER  
(LITIGATION) MANSEHRA

Documents Attached with the report are as follow:

1. Statements of the PTC members and chairman
2. Statements of the Head Master and the Staff.
3. Statements of the two Prominent Personalities of the community.

Malik Arab Khan Nambardar and Muhammad Mushtaq vice chairman U/C Potha.

  
Head Master  
GHS paras (Balakot)



~~Saeedullah  
Part up on file~~

~~Signature~~  
DPO 5/12/15

5

From

Khalid Pervez HM,  
GHS Paras (Mansehra).

To,

The District Education Officer (Male) Mansehra.

Subject: INQUIRY AGAINST MR. SAJJAD AHMED H/M GMS POTHAN REGARDING  
THE EMBEZZLEMENT OF PTC FUNDS

Memo:

I the Inquiry officer, myself visited GMS potha to inquire the matter regarding the embezzlement of PTC funds and the other allegations of the community of Potha against the Sajjad Ahmed Head Master GMS Potha.

Brief History:

PTC Members of GMS potha except the chairman Mr. Muhammad Arshad put this blame on the H/M that the head Master concerned embezzled the PTC funds. The members of PTC were not elected according to the process. They do not <sup>know</sup> whether they are the PTC members or not. More over another complaint from the community was submitted to DEO and other officials that when in September 2012 the School was upgraded, the H/M and the other staff did not admit the children other than the students of 6<sup>th</sup> Class, saying that they will promote this class step by step. And from September 2012 to March 2013 the staff got the salary just for nothing. According to the community the H/M refused to admit the Children other than 6<sup>th</sup> Class

Procedure:

I proceeded for inquiry on 25<sup>th</sup> of November 2015 along with my J/C. All the staff members were Present in the school. PTC member including the chairman were also present in the school. Full record of the PTC funds was checked including the receipts personally and physically. PTC members were given a questionnaire one by one. They wrote out their comments. They were also asked verbally. The staff members were also given the questionnaire and everything was discussed with the H/M, Staff and the PTC members.

Findings:

When I went into the funds thoroughly the description was as under:

School was upgraded in July 2012 and PTC came into existence on 8-12-2013. Total amount granted to school under different heads was Rs. 11, 49600

The work of boundary wall was in progress. The major problem which I perceived in the school was, that PTC was not existed under the rules and regulations required by the department. The names of all PTC members were enlisted but they do not <sup>at PTC</sup> whether they are the member of PTC or not. When the committee was made, no meeting was held. Without the presence of PTC members their names were enlisted. No PTC members have any child studying presently. Only the chairman is the person whose son is the student of 8<sup>th</sup> class. According to the rules no one can be the member of PTC whose child is not the student of that school. No meeting took place after the existence of PTC. PTC files are not accordingly. Receipts <sup>of</sup> there but up till now no file has been submitted in the office no register is there for the meetig and resolutions, whether under which process the amount was drawn.

It is 100% clear that the amount used by H/M is used honestly but the process was not according to the regulations. when the statements were taken from the chairman and the other members I noticed the reality that there was no contact between the chairman and the other members. But one cannot draw the money without any resolution passed by the PTC members. the signatures of the members prove the reality of the matter. Members do not <sup>know</sup> about the amount but the chairman knows about the granted amount and the amount drawn. Expenditure files are there. There are signs of H/M and chairman of the receipts but no stamp is there from 8- 12- 2013 when the PTC came into being no files regarding repair or CCA is submitted in the office. Total amount in 2014 to 2015 is 11, 49600 amount consumed is 7, 95327. Balance left over is 3, 54273. The amount granted for water was about Rs. 20000 and for latrines was 1, 60000. Is also included in the above cited amount. In my opinion the conditional grant cannot be used for the purpose other than pointed out for. But the amount for boundary wall as also was used for ground, basket ball poles, Furniture, Computers and so on. The boundary wall work is stilling progress. Amount for water and latrine is still in the bank and not used for the pointed out projects. No quotation was raised for any work. Supports amount of Rs. 1, 00000 has been used accordingly but no quotation is there. File is still in the school and yet has not been submitted in the office. These all loopholes are the base of PTC it is without any formation. The martial used for constructional work is bought by the staff members. If there had been a regular PTC, then there had not been any mishape in the school. The other allegation was from the community. Their written reports and the answers to the questions are attached with the inquiry reports show all realities. I myself saw the relevant documents regarding the admission of the students. There were letters written to different schools in the surroundings to <sup>relieve</sup> the students from their schools just to provide them admission in the school. I saw order book written by the H/M and fully satisfied that the community did this just for nothing it was only the blame. The statements of PTC members, Teachers are attached with the reports.

The written reports of two prominent personalities Malik Arab Khan hamberdar and Muhammad Mushtaq vice chairman union council Potha is also attached with the report

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according to the community members the H/M does not come to school. I enquired from the school staff and the students. According to them the H/M comes to school regularly any how the school is suffering badly due to these allegations. The staff does not take any interest in the students. No syllabus, no time table is installed in the class rooms. The class rooms show the scene of store house. Damaged windows and furniture till the story of carelessness of the staff members. Due to these disturbances the students are suffered badly. They complain that the teacher do not take any interest, even the bell does not go on. This all is due to the tussle between the community and the H/M. the environment of school does not look like school but like fish market. Lack of discipline and other short comings are totally due to the clash between the community, PTC and staff members. All these factors go against the student's activities and make their minds destructive as well as dull.

### Recommendations:

Looking thoroughly into the matter it is clear that the most important unit of school PTC is baseless. It should be the most important and efficient unit of the school. As for as the PTC of a school is inactive, then how the school can do the constructive projects. If the responsibilities of PTC are well known to the head of the school and other staff members, then no doubt the school suffers in any way. The H/M should take the PTC role the most important. The chairman and the members should have a close contact with each other. I recommend a thorough inspection of school in each and every field.

Finally I recommend that the H/M should be warned severely for his carelessness. The DEO can take any step against him in the light of above cited report.

Sir, I assure you that the inquiry is based on realities and I accepted no pressure from any side.

Khaid Pervez Head Master  
GHS Paras Teh: Balakot  
Distt: Mansehra

**HEADMASTER**  
**Govt High School**  
**Paras, Mansehra**

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110 Annemur sb

OFFICE OF THE HEADMASTER GHS SUM/INQUIRY OFFICER

No. 294 / 1

Dated 28/12 /2015

To Supdt  
Put up on file  
immediately to

The District Education Officer (M)  
Mansehra

Dr. S. B. Khan  
Dr. M. N. Khan  
Dr. M. N. Khan  
4/1/16

Subject: INQUIRY REPORT IN R/O SHAHID IQBAL CT GMS POTHA DISTT:  
MANSEHRA AND SAJJAD AHMED SST /HM GMS POTHA.

BACKGROUND:

I was appointed as Inquiry officer in the case of Mr. Shahid Iqbal CT GMS Potha on written complaint of Sajjad Ahmed SST GMS Potha vide your office letter No.18506 dated 7.12.2015. In this regard I have conducted detail inquiry in the matter as per detail recorded below:-

In compliance with the above referred order, I informed Shahid Iqbal CT GMS Potha and Sajjad Ahmed SST/HM GMS Potha through Shah Jahan CT GMS Potha on Cell phone # 03005678049 and fixed the date and time to conduct the inquiry i.e.; 9/12/2015 at 9: 00 AM. A questioner was served to Shahid Iqbal CT.

As per statement of Mr. Shahid Iqbal, He was posted in the present school in the month of 7/2012 & remained here till date and HM Sajjad Ahmed was also posted in this school from the same date. In his reply he stated that during this period i.e. from 7/ 2012 to 12/2015 HM had never called any explanation nor was he marked absent during this period except the c/leave He stated that he regularly taught all his subjects allotted by the HM, HM's complaint against him is baseless. Shahid Iqbal further stated that according to HM, PTC chairman had complained against him (Shahid Iqbal) but if there was any such written complaint, then HM should show written proof about this complaint. He also complained against HM that PTC committee was bogus, no election of PTC was arranged by the HM during this whole period, PTC is running in this school in the air. No meeting of PTC was called during these three years. Chairman Muhammad Arshid, Abdul Razzaq member PTC, Muhammad Azeem member PTC, Ishtiaq Ahmed, M. Bashir, M Zarin member of PTC these are members of PTC. Shahid Iqbal CT further commented that HM would not come to school except in Jun 2015 when PTC fund was released to this school,

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9/1/16

Shahid Iqbal sb.  
Put up on file  
MS  
9/1/16

Otherwise he would come only once in a week just to mark attendance in the register that is why there was no arrival and departure time mentioned in daily attendance register and only initials marked in register against HM's name. Shah Jehan CT on behalf of HM wrote his comments in order book that HM left the school for urgent work etc, later on HM signed collectively in order book. The inquiry could widely see this discrimination that Shahid Iqbal was senior CT teacher and his service is 29 years While Shah Jehan CT service is 20 years. Shahid Iqbal CT further stated that HM expected from him that like all other teachers Shahid Iqbal CT also should do HM's personal or home related work. Shah Jehan CT and Adil Shehzad PET are HM's right hand and whenever the monitoring or departmental team visits , school both these teachers inform HM at phone and HM starts coming to school; The school is at ten minutes distance from HM's residence.

During 2015 Rs,112300/-PTC fund was released to this school, above mentioned 2 teachers used this fund at their own will .All of the school system was disturbed by HM and these two teachers. They take no period at the end. It was requested by Shahid Iqbal CT to check all the classes and building of the school and inquire them about PTC fund. Shahid Iqbal further requested the inquiry officer to check teacher attendance register for the month of Nov 2014 where HM's attendance Register for this month is blank which reveals that the HM is absent from his duty.

In fact the Local community protested against the HM and came to the school but Headmaster ordered to chowkidar, not to open gate as those people are terrorists and when HM showed no response to these protestant they lodged their complaint to DEO (M) Mansehra and on their complaint Mr.Khalid Pervez HM GHS Paris was appointed to inquire the matter & he came to school for inquiry . (Complaint copy of the people is attached.)

Shaid Iqbal CT stated that HM as per his presumption that Shahid Iqbal CT was behind these people who lodged their complaint against the Headmaster to the DEO(M)eventually he submitted a complaint against him with the sign of three teacher Khalid Naseem TT, Shahjehan CT and Adil Shehzad PET as witnesses, just to take revenge from him on day after the conducting of above said inquiry by Khalid Parvez.

Shahid Iqbal CT said that Headmaster written his ACRs with the remarks v. good and good during the years 2011 to 2014 and showing 100% result. During the Year 2010 and 2011 Shahid Iqbal CT was not teaching at GMS Potha and Sajjad Ahmed was not HM, and he wrote Shahid Iqbal's ACRs of this period also which is a proof of his corruption and false statement (copy of ACR from 210 to 2014) attached with written

statement (Questionnaire & his reply a/w relevant documents are Annex-1 to 20)

During the inquiry, I had also served a questioner to HM Sajjad Ahmed Headmaster GMS Potha but he refused to reply in written form and requested to give him time of two days. (Annex-21)

The other four teachers i.e. Shahjehan CT, Adil Shehzad PET, M. Iqbal DM and Khalid Naseem TT also requested for two days' time. After three days on 12/12/2015, I informed HM and their four teachers through registry letter that I would again come to school on 14/12/2015 and till that time they have to give their written statement and also provide record i.e. PTC register, order book, attendance register and PTC file. (Annex-22-26).

I again visited the school on 14/12/2015 so that I got written statement from HM and other four teachers i.e. Shahjehan CT, Adil Shehzad PET M. Iqbal DM and Khalid Naseem TT on 14/12/2015. Shahjehan CT, Adil Shehzad PET M. Iqbal DM and Khalid Naseem TT gave their written statements but today Sajjad Ahmed HM again refused to give his statement. (Annex-27-38)

#### COMMENTARY

I also served a questionnaire to M Iqbal DM on 14/12/2015. In his statement he says that he taught drawing to 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup> classes. He stated that Shahid Iqbal CT does not obey the order of the HM. He comes to school regularly for the last four months and takes two periods regularly. He admits that son of M Arshid chairman PTC and Khaled are studying in this school but he did not mention other PTC member's children. He stated that those students mentioned always remained absent. Most of them were absent and off during the year. He stated that HM and all the other staff come to school regularly.

#### STATEMENT OF SHAHJEHAN CT

I am serving in this school from 4/7/2012. I taught English and Math to 6th class. Shahid Iqbal CT comes to school regularly and takes his period. No election of PTC was conducted and no PTC member was elected as PTC Chairman. No monthly PTC meeting was ever arranged by the HM. There is no purchase committee of the teachers in this school. During the academic year 2015 the HM had not checked any student copy and no remarks were given by him. Admissions were given to students only in one class in the year 2012. When HM is on C/Leave I or Shahid Iqbal are the in charge of the school.



STATEMENT OF KHALED NASEEM TI

I am serving in this school for the last two months. I taught Islamyat to 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> classes. I don't know the dispute between Shahid Iqbal and HM. During my two months period Shahid Iqbal came to school regularly. I don't know the PTC members but I often see the PTC chairman. No meeting of PTC was called during my two months service here at this school. HM and all other staff come to school regularly. During my two months period I took two classes of 8<sup>th</sup> class because Liaquat AT is fore-master of 8<sup>th</sup> class. Timetable was issued late by HM.

STATEMENT OF LIAQUAT ALI AT

I am serving in this school from 7/2012 to date. In 2012 only 6<sup>th</sup> class was started and no other students were admitted in other two classes i.e. 7<sup>th</sup> 8<sup>th</sup>. The complaint against Shahid Iqbal CT is baseless. Shahid Iqbal CT comes to school regularly and takes his classes. His attendance on the attendance register shows his regularity.

I only know the PTC chairman M. Arshad and do not know the other PTC members. No PTC meeting was held during the year 2012 to 12/2015. PTC committee is only on papers. I have no information about funds, only two teachers i.e. Shahjehan CT and Adil Shehzad PET are the in charge. Shahid Iqbal CT completed his course and written work in notebooks and it shows his good performance. Now Sajjad Ahmed HM comes to school regularly from two months and was not regular in 7/2012 to 10/2015.

I have not known the dispute between HM and Shahid Iqbal but Shahid Iqbal always says to HM to come to school regularly and sign attendance register with arrival and departure time.

STATEMENT OF ZULFIQAR SWEEPER GMS POTHAN

I was appointed as sweeper in this school in 7/2012. During this whole period Sajjad Ahmed HM attended the school for two months or sixty days. I am also driver and I perform my duty as driver not as a sweeper in the school. I drive his personal car and do his personal duty. I took his children and family to Islamabad and Peshawar. HM did not come to school regularly so how could the HM ascertain the regularity of the teachers. Ask from the students then you reach to the reality. I took so many bags of sand from school to HM's home in his personal car for repair of his house. My above statement is based on facts. (Annex\_39)

STATEMENT OF PTC MEMBERS

- (i) Malik Khaled PTC member
- (ii) Abdul Razzaq PTC member
- (iii) Muhammad Azeem PTC member

All the above three PTC members refused to attend any kind of PTC meeting during the three years. They said that they were not aware of any kind of PTC fund allotted to this school and the PTC chairman M.Arshid was not elected by them. (Annex-40-44)

STATEMENT OF PTC CHAIRMAN

I am the chairman and I signed all the cheques and I signed four blank cheques at a time but these were not cashed in my presence. (Annex-45-48)

FINDINGS

I checked all the classes of all the teachers which shows their performance as under:

I checked the class 7<sup>th</sup> Urdu and class 6<sup>th</sup>. Shahid Iqbal CT taught these two subjects. Urdu 6<sup>th</sup>, the course was completed and all the exercises done. I checked the copy of Abdullah Shah son of M Siar Shah and Reema D/O Naseem Khan. I also checked the 7<sup>th</sup> class Urdu which is taught by Shahid Iqbal; course was completed and notebooks properly signed by Shahid Iqbal of Aisha D/O Sherab, Adnan s/o Rizaz, Shamila D/O Umar Khatab. 1<sup>st</sup> exercise work noted the Hammad application for remission of fee, leave application, letters etc. No note book of student was checked by HM and no sign of HM was seen.

I checked the English of 7<sup>th</sup> class which is taught by Adil PET. Only 8 units were taught out of 19 units. I checked the copy of Kiran student of 7<sup>th</sup> class last written work checked, Nafees s/o Abdul Ghafoor of 7<sup>th</sup> class dated 22/08/2015 student complained that Adil PET has not taken any period for the last four months and no drill period taken for the last three years.

I also checked the math subject of 8<sup>th</sup> class which is taught by Adil PET, hardly half of the course was completed by him till 9/2015. The following students say that Adil PET was angry from someone in the school and he refused to take his math period. We complained to HM about this but no action was taken by HM in this regard. We also gave application to HM for leaving certificate in this condition but HM refused to do so. Akhtir s/o Baz Muhammad, Iqbal s/o Zareen, Serwar Shah s/o

Mangal Khan , Muhammd Zia s/o M. Arshad. No signature of HM was seen in the above mentioned subject. People are weeping that their future life and as of their children is adversely affected by HM and Adil PET.

I checked the subject of Arabic class 8<sup>th</sup> taught by Liaquat Ali AT. 84/95 all the exercise were done according to the course. I checked the copy of Akhtar s/o Baz Muhammad, Iqbal s/o Zareen , Adnan s/o Ishtiaq students also stated that Liaquat Ali is a good teacher. I checked the subject of drawing class 8<sup>th</sup> which is taught by M. Iqbal, 6/32 course was completed during the whole academic year 2015. I checked the notebook of Jamil s/o Khalil class 8<sup>th</sup> Nadeem s/o Saleem Mehmood shah s/o Momin shah ,

During class 6<sup>th</sup> 8/32 checked the copy of Shabeena d/o Ahmed shah Laiba d/o Sajid , Aisha d/o Tanveer Muhammad Iqbal DM attended the class for the last three months.

I checked the 8<sup>th</sup> class islamiyat which is taught by Khalid Naseem TT ,only 2/3 period were taken by him. During his three months stay in this school 6<sup>th</sup> class was taught by Kalid Naseem and 41/94 were done; last written work on the notebooks of Amin d/o Sakhi Sultan , Wajid s/o Siraj only 2/3 period taken during the whole period of Khalid Naseem ---

I checked the 7<sup>th</sup> class History and geography subject taught by Shah Jehan CT, course was completed and all the exercises done by the teacher. I checked the copy of Junaid s/o M Moneer, response of the students was good and all the students were satisfied by the performance of Shah Jehan CT. side by side MR Shah Jehan CT wrote order book in absence of HM and also put the signature of HM by himself.

So many entries in order book were written by Shah Jehan CT and he also informed the HM when monitoring teams came to visit school, he played double role.

I served the questionnaire to HM Sajjad Ahmed GMS Potha Mansehra on 9/12/2015 , the response was delayed in written form, I gave it to HM again on 12/12/2014. I wrote a letter to him by registered post that I will come again on 14/12/2015. You and all your staff and PTC chairman along with the PTC members must be present on the same date.

I came to school on 14/12/2015, HM and all the other staff members were present in the school, all staff members replied except HM Sajjad Ahmed and he refused to answer any question served by me on 14-12-2015. Copy of the questionnaire served to HM is attached along. During his stay in this school since the month of August 2012 to May 2013 no presence in the attendance register shown which shows

P/7

his absent from school. Similarly in the month of November 2014 no attendance shown in the attendance register which proves his absentee.(Annex-49-57)

He also taught English to class 8<sup>th</sup>. Course was not completed as yet on 9/12/2015. Last exercise "Chinese new year" .No copy was checked by HM. Students complained that HM comes to school off and on.He takes 4/5 periods with the same class daily in the recent last month to cover the course which is try in vain by HM. They said that our life is badly damaged by HM, they complained about everything from HM; to quote one of students' statements " sir you can see dust on table, a broken glass fall on the table and classes seemed to be store instead of class room".

PTC FUND ALLOTTED TO THE GMS POTHHA DURING 2015:

Boundary wall RS 663200/- supply Rs 200000/- and Latrin 180000/- sports fund Rs100000/- Total amount 1123200/- out of sports fund HM has said to use about RS 70000/-, and RS,30000/- is the remaining balance. The existing 351 feet long and 6 feet high Boundary wall was raised by 2 feet all together. Approximately RS350000/- was spent on the said construction along with razor wire and the repair of main gate. Keeping above in view RS(313200/-) may be recovered from Sajjad Ahmed HM GMS Potha. Furthermore, sum of RS 160000/- for Latrine and 200000/- for Water supply scheme- both the very basic requirement of the school-was not utilized by HM as yet. This very delay in utilization of above funds proves the inefficiency of the HM.

It is proposed that un-expanded amount be utilized for the Group Latrine and Water supply by the future PTC committee and HM. Moreover to ensure transparency the existing PTC committee must be dissolved as their conduct does not prove to be honest and trustworthy.

Another observation is about the discrepancy b/w the attendance register and order book there are many instances where the HM Sajjad Ahmed is absent/on leave from school as per order book but he is marked present in the attendance register. Furthermore the signature of Sajjad Ahmed HM do not match in the order book; The same is true for handwriting.(Annex-58-154)

RECOMMENDATIONS

1. The sum of RS 343200/- may be recovered from HM Sajjad Ahmed and the recovered amount may be allocated for welfare of some other needy school.

10/11/18

2. Over Payment on A/c of absent period pay, may be recovered from the HM Sajjad Ahmed and deposit it into Govt: Treasury.
3. HM Sajjad Ahmad may please be transferred to some GHS/GHSS on disciplinary ground . He may please ~~not~~ be transferred to any administrative post as he is not fit for it.
4. PTC Account of the school may be ceased forthwith ~~with~~ the arrival of New HM/Chairman.
5. Mr Adil Shahzad PET may be transferred to some other station i.e. GHS/GHSS under disciplinary ground. As Adil Shehzad PET is not taken classes for three months ~~and~~ deprived students of their basic right of education, his last two increment may be stopped with immediate effect.
6. Khalid Naseem TT may be transferred to some GHS/GHSS.
7. Muhammad Iqbal DM who has taken just a few classes during the academic year 2015, thus depriving students of their basic right of education, may be transferred to some GHS /GHSS and his last two increments may be stopped with immediate effect.
8. Amjid N/Q , on account of behavioral and disciplinary misconduct, may be given a strict written warning/Censure.
9. The allegation against Shahid Iqbal CT as filed by Sajjad Ahmed HM were not proved after the inquiry. The observation of the inquiry are as under
  - (i) Shahid Iqbal CT is regular in his attendance in the daily attendance register.
  - (ii) Students are satisfied with the performance of Shahid Iqbal CT.
  - (iii) The courses he is teaching are well covered in time.
  - (iv) The ACR of Shahid Iqbal CT for the year 2010 to 2014 written by Sajjad Ahmed HM are very good and praise the cooperation , hard work , regularity and best performance of Shahid Iqbal CT.
  - (v) The application given by Shahid Iqbal CT against Sajjad Ahmed HM states that PTC committee constituted by Sajjad Ahmed HM is fake. The inquiry came to the conclusion that the statement of Shahid Iqbal is true and there does not exist any PTC committee,
  - (vi) Keeping all above in view the complaint of Sajjad Ahmed HM against Shahid Iqbal CT does not hold any ground. Such type of complaint might have been

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filed against Shahid Iqbal CT on the basis of personal grudge or professional jealousy.

*Sh. M. M. M.*  
(SHAD MUHAMMAD)  
HM GHS SUM  
DISTT. MANSEHRA  
INQUIRY OFFICER

28/11/2011

Annexure 66 17

Copy of the inquiry report provided to Mr. Sajjad on his request. *Sajjad*

Title of the Principal GHSS Daffa (Mansehra NO) \_\_\_\_\_ Dated \_\_\_\_\_

To,  
The DEO (M),  
Mansehra

Subject: Inquiry Report GMS Potha

Reference DEO (M) Mansehra NO: 1801-04/Estt: (M) 01/02/2016 and No 3716-17/Estt: (M) dated 25/03/2016

The inquiry report as to GMS Potha Mansehra is submitted as under:

TORS of the Inquiry:

Part A

1. The Complaint of the community against the Head master GMS Potha as to the inefficiency in managing the Institute, embezzlement charges, absenteeism of the HM GMS Potha, utilization of PTC through non-representative PTC chairman.
2. The complaint of five so called PTC members who were made members without their consent/information and who leveled corruption charges against the HM GMS Potha
3. The complaint of Mr. Shahid Iqbal, the CT teacher of GMS Potha, against the HM.

Part B

The Complaint of the HM GMS Potha against Mr. Shahid Iqbal, the CT teacher of the same school.

PART A report

The reply of Mr Sajjad HM GMS Potha

In response to the questionnaire administered to Mr. Sajjad he replies that:

1. The inquiry conducted by Mr. Shad Muhammad HM Sum was not satisfactory because in that inquiry all the expenditure made by the school from boundary wall amount in different heads could not be recorded such as basket ball court construction, barbed wire purchase, four windows purchase, computer system for the school, chair and table for HM office, newly constructed portion of boundary wall; Mr. Shad Muhammad, HM Sum, has estimated only upraising and plastering of the boundary wall.
2. The school PTC was constituted in the beginning of 2012. The members whose children had graduated from the school were removed from the PTC membership and the community's involvement in the school affairs after the school received PTC

funds, had hindered the revival of the PTC; he, the chairman PTC and teachers have spend provided funds efficiently and with integrity; his conscience is satisfied; all the teachers were involved in the purchase process and their signature are affixed on the back of the receipts.

3. The elders of the community have reservations/suspicious as to the PTC which now have been removed; no embezzlement is done in the funds (receipts are attached as proof).
4. He was asked to provide details of expenditure in different heads. In reply he has attached receipts with the reply:
  - a. Boundary wall raised up to 3.5 feet(actual 3 feet)
  - b. Actual boundary wall height was 6 feet
  - c. Barbed wire 27 bundles cost = Rs 52000/- plus transportation cost of Rs. 6000/-
  - d. At some places boundary wall was dismantled and newly constructed.
  - e. Cement, sand and crush receipts are attached.
  - f. Some area of the school which was outside the school premises is included in the school.
  - g. School name board was purchased.
  - h. Four iron windows, basket ball court, office table and chair, computer and printer have been purchased from the boundary wall amount.

5. The school received the following amounts under different heads:

- I. Boundary wall= Rs. 66300/-
- II. Sports Items= Rs. 100000/-
- III. Group latrine=Rs. 160000/-
- IV. Water supply= Rs. 200000/-

The amounts in first two heads have been utilized.

6. He does not admit the allegations that he used to remain absent for many days from the school and later on records his presence. He is of the view that he used to take English classes regularly in 8<sup>th</sup> class.
7. He negates the allegation that he made a fake chairman of the PTC. He is of the opinion that the chairman performed well; he was an upright person that would be authenticated by the local community and he is an *Inam masjid* and his children still study in the school.
8. He is of the opinion that he performs his duties well.(annexure A)
9. Mr. Sajjad Ahmed HM has also submitted affidavits of parents that the staff of GMS Potha performance is satisfactory. (Annexure B)

The Reply of the Community Representatives

1. In reply to the questionnaire, administered to the community representatives, they disown most of the allegations they had raised against HM Sajjad in their application.



2. They showed satisfaction as to the work of HM Sajjad.
3. However, as to the allegation of embezzlement of the PTC funds the community representatives desired to be inquired into by the inquiry committee. (Annexure C)
4. Furthermore, the representatives of the community in oral discussion with them desired that all the staff to be transferred from the school.

Ex- PTC Chairman PTC Reply

1. Mr. Arshid, ex-chairman PTC, in reply to the questionnaire, administered to him, says that his selection as chairman was according to the laid down procedure.
2. His one son and one daughter are still the students of the school.
3. He claims that PTC meetings were held to sanction expenditure from PTC funds.
4. Some members have not turned up for meetings because there exists no legal position of them to remain members of the PTC. (Annexure D)

❖ No Ex-PTC Member turned up in the school to prove their allegations of corruption, etc. against Sajjad Ahmed HM leveled by them in their application.

The Sample Evaluation of the Work of the Teachers in 7<sup>th</sup> class

The students of the class were asked about the work done. The students have no books and notebooks with them to do physical verification of the work done. Their replies are tabulated in the following:

Subject	Teacher Name	Course coverage during 2015-16	Class work done and checked (as per students statement)	Students view about teachers teaching	Students responses to questions on course
English	Adil	13/19 chapters	Yes	Satisfied	Not fully satisfactory
Urdu	Malik shahid	Completed the course	Yes	Satisfied	Not fully satisfactory
Science	Malik shahid and Liaqat	6/13 chapters	Yes	Satisfied	Not fully satisfactory
Hist/Geography	Shah Jehan	5/5 His. and 11/11 geography	Yes	Satisfied	Not fully satisfactory
Islamiyat	Khalid Naseem	81/94 pages	Yes	Satisfied	Not fully satisfactory
Arabic	Liaqat	39/81 pages	Yes	Satisfied	Not fully satisfactory
Math	Liaqat	216/243 pages	Yes	Satisfied	Not fully satisfactory

The details of the expenditure of boundary wall funds

Mr. Sajjad HM provided the details of the expenditure and receipts made out of the boundary wall funds which are attached as Annexure 'E and F'.

1. Total Amount= Rs.661000/-

2. Spending on raising wall and constructing new wall and constructing basket ball court =Rs.478932/-

3. Other spending out of the boundary wall funds= Rs. 177901/-

Total= Rs.656833/-

The inquiry committee measured the boundary wall raising and new construction work and also the work of construction of the basket ball court which is given in the below table:

Detail of the work done for raising and new construction of boundary wall + construction basket ball court	
I. Eastern side wall	<ul style="list-style-type: none"> <li>a) New construction and plastering on both sides =75x9 square feet (thickness of the wall 5.5 inches).</li> <li>b) Bricks are used for constructing wall.</li> <li>c) 3x23 square feet raised and plastered (thickness of the wall 5.5 inches)</li> <li>d) 6x23 square feet plastered (thickness of the wall 5.5 inches).</li> <li>e) Bricks are used for constructing wall.</li> </ul>
II. western side wall	<ul style="list-style-type: none"> <li>a) Raised and plastered on both side=3x 75 s.f (thickness of the wall 5.5 inches).</li> <li>b) Plastered on both side=75x6 s.f (thickness of the wall 5.5 inches).</li> <li>c) New construction and plastering on both sides=23x9 s.f (thickness of the wall 5.5 inches).</li> <li>f) Bricks are used for constructing wall.</li> </ul>
III. Northern side wall	<ul style="list-style-type: none"> <li>a) raised and plastered on both side =109x3 s.f (thickness of the wall 5.5 inches)</li> <li>b) Plastering on both side=210x6 s.f (thickness of the wall 5.5 inches)</li> <li>g) Bricks are used for constructing wall.</li> </ul>
IV. Southern side wall	<ul style="list-style-type: none"> <li>a. New construction and plastering= 27x9 s.f (thickness of the wall 5.5 inches)</li> <li>b. Bricks are used for constructing wall.</li> </ul>
	<ul style="list-style-type: none"> <li>c. construction of Basket Ball court of 4 inches thick rough floor with sand and crush material=60x 33.4 s.f</li> </ul>

- > The spending on other items out of the boundary wall funds is mostly justified except spending on purchase of computer and office table (amounting to Rs. 30650/-).
- > Out of the boundary wall funds Rs. 64712/- have been spent on the purchase of Barbed wire which has not yet been installed on the walls.

Sports funds Utilization

Out of the sports funds of Rs. 100000/- the following purchases are made:

S.No	Item	Amount
1	Basket ball poles and accessories (brackets)	Rs. 46450/-
2	Sports gears 1	Rs. 29765/-
3	Sports gears 2	Rs. 16050/-
4	Megaphone	Rs. 1550/-
5	Sales Tax	Rs. 4762/-
	Total	Rs. 97627/-

(Annexure G)

- > The basket ball poles and accessories (brackets) price charged by the supplier seemingly high than the market price; the pipes market price is about Rs.18000/- to Rs.19000/- which is charged by the supplier Rs. 25500/- . The poles fitting charges of Rs.6000/- are also seemingly a bit high.
- > The accessories like brackets of basket ball poles were not found in the school.

Part B of the inquiry

Reply of Mr. Sajid Hussain to the part B of the inquiry

1. He does not reply what is asked about the conduct of Mr. Shahid Iqbal CT and any disciplinary action taken against him; instead he says that Mr. Shahid Iqbal has determined to perform well in future and would make up of his deficiencies and negligence of the past and would try to be a good teacher.
2. He is of the view that his allegations of involvement in subversive activities on the part of Mr. Shahid Iqbal were based on suspicions/ misunderstandings. Now he has no reservations/suspicions against Mr. Shahid Iqbal.(Annexure A)

Reply of Mr. Shahid Iqbal CT GMS Potha

1. Mr. Shahid Iqbal CT in reply to the questionnaire, administered to him, disowns all the allegations he raised against HM Sajjad in his application.
2. He says that he has been performing his duties well. He has completed his course during the academic year 2015-16.
3. The HM Sajjad, he says, has not ever initiated any disciplinary action except this application during work in his supervision.
4. He has not given any threat to HM Sajjad.
5. He declares HM Sajjad as his brother and a respectable person.
6. He says that during the period he had severed relations with HM Sajjad they both had no consultation with each other on any matter, bad or good. (Annexure G)

The Findings of the Inquiry about Part A

1. The community representatives disown most of the allegations against the HM Sajjad.
2. Mr. Sajjad Ahmed HM negates the charges leveled against him by the community representatives.
3. Mr. Shahid Iqbal CT also disowns all the allegations he leveled against HM Sajjad Ahmed in his application.
4. The course coverage in English, science, Mathematics and Arabic subjects is not satisfactory at all in 7<sup>th</sup> class which were taught by Mr. Adil, Mr. Malik Shahid and Mr. Liaqat respectively.
5. The students' responses about the course learning were also not fully satisfactory in the same class. The physical verification of the work done and checked by the teachers was not possible as the students have no notebooks with them.
6. Mr. Sajjad Ahmed HM academic supervision is not satisfactory; no teachers' diaries are maintained in the school to ensure course planning and completion.
7. The basket ball poles and accessories price charged by the supplier seemingly high than the market price; the pipes market price is about Rs.18000/- to Rs.20000/- which is charged by the supplier Rs. 25500/- . The poles fitting charges of Rs.6000/- are also seemingly a bit high.
8. The accessories like brackets of basket ball poles were not found in the school.
9. The PTC of the school has not been revived in time by Mr. Sajjad Ahmed HM after some members children have graduated from the school and these members have not been involved in PTC decisions; most of the decisions have been taken by Mr. Sajjad Ahmed HM and Mr. Archid, ex-chairman. This is negligence on the part of Mr. Sajjad Ahmed HM that he has not involved all the PTC members in decision making.

The Findings of the Inquiry about Part B

1. Mr. Sajjad Ahmed HM says that Mr. Shahid Iqbal CT showed determination that he would perform well in future; the HM has avoided to reply about the conduct of the teacher in the past.

2. Mr. Sajjad Ahmed is of the view that his allegations of involvement in subversive activities on the part of Mr. Shahid Iqbal were based on suspicions/ misunderstandings. Now he has no reservations/suspicions against Mr. Shahid Iqbal.

Recommendation about Part A

1. Mr. Sajjad Ahmed negligence in not involving all the PTC members in decision making makes him liable to be censured to mend his conduct in future.
2. The Headmaster Sajjad Ahmed, Mr. Malik Shahid Iqbal and Mr. Adil and Mr. Uqat have failed to fulfill their academic duties satisfactorily as is evident from the course coverage in sample work checking of 7<sup>th</sup> class, therefore, they may be transferred from the school; the community has also desired that the staff be transferred.
3. The charges of embezzlement in boundary wall funds can be proved if the work done of the boundary wall and the basket ball court does not match with the expenses made on this account. The following details may please be forwarded to the C&W department for its opinion and in the light of the findings/opinion of the C&W department necessary action may be taken against Mr. Sajjad Ahmed headmaster GMS Potha:

Spending on raising wall and constructing new wall and constructing basket ball court =Rs.476952/-

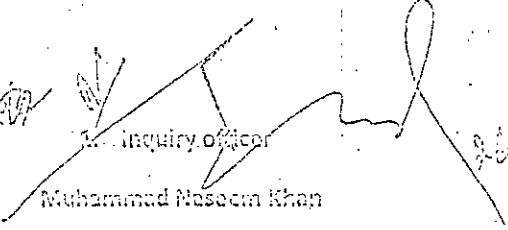
The inquiry committee measured the boundary wall raising and new construction work and also the work of construction of the basket ball court which is given in below table:

Detail of the work done for raising and new construction of boundary wall - construction basket ball court	
V.	<p>Eastern side wall</p> <p>b) 1127 square feet raised and plastered on both side (thickness of the wall 5.5 inches).</p> <p>c) Bricks are used for constructing wall.</p> <p>d) 2x2 square feet raised and plastered (thickness of the wall 5.5 inches).</p> <p>e) 6x23 square feet plastered (thickness of the wall 5.5 inches).</p> <p>f) Bricks are used for constructing wall.</p>
VI.	<p>Western side wall</p> <p>d) Raised and plastered on both side=3x 75 s.f (thickness of the wall 5.5 inches).</p> <p>e) Plastered on both side=75x5 s.f (thickness of the wall 5.5 inches).</p> <p>f) New construction and plastering on both sides=23x9 s.f (thickness of the wall 5.5 inches).</p> <p>g) Bricks are used for constructing wall.</p>
VII.	<p>Northern side wall</p> <p>c) raised and plastered on both side=109x3 s.f (thickness of the wall 5.5 inches)</p> <p>d) Plastering on both side=110x6 s.f (thickness of the wall 5.5 inches)</p> <p>e) Bricks are used for constructing wall.</p>

VIII. Southern side wall	
d.	New construction and plastering= 27x9 s.f (thickness of the wall 5.5 inches)
e.	Bricks are used for constructing wall.
f.	Basket Ball court construction of 4 inches thick rough floor with sand and crush material=60x 33.4 s.f

Recommendation about Part B

Both Mr. Sajjad Ahmed Hira GMS Potha and Mr. Mr. Malik Shahid Iqbal may be issued warning for making unnecessary quarrel in the school.

  
1. Inquiry officer  
Muhammad Masoom Khan  
Principal GMS Bahali Mansohra  
26/05/2016

2. Inquiry officer  
Wajid Iqbal  
Principal GMS Bahali Mansohra

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 2557 /ST

Dated 28/11/2017

To

The District Education Officer,  
Government of Khyber Pakhtunkhwa,  
Mansehra.

Subject:

JUDGEMENT IN APPEAL NO. 1011/16, MR. ADIL SHAHZAD AND  
TWO OTHERS.

I am directed to forward herewith a certified copy of Judgment dated 22/11/2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

o/c  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.