

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT SWAT

Service Appeal No. 1230/2016

Date of Institution... 13.12.2016

Date of decision... 08.03.2018

Muhammad Rahman son of Amroz Khan (Ex-Laboratory Assistant at Government Degree College Agra, Malakand) resident of Faiz Abad, Tehsil Alpuri, District Shangla. ... (Appellant)

Versus

1. The Secretary Higher Education Department, Government of Khyber Pakhtunkhwa, Peshawar and three others. ... (Respondents)

Barrister Adnan Khan & Yousaf Khan,
Advocates ...

For appellant.

MR. Usman Ghani,
Deputy District Attorney ...

For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. AHMAD HASSAN, ...

CHAIRMAN
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The appellant was removed from service on 03.08.2016 for the dual charges of embezzlement and absence. Against which he filed departmental appeal on 31.08.2016 which was not responded to and thereafter, he filed the present service appeal on 13.12.2016.

ARGUMENTS

3. The learned counsel for the appellant argued that the alleged embezzlement was reported through an FIR and the trial was yet to be concluded in the court of law. That simultaneously departmental proceedings were also initiated against the appellant on 09.6.2011 and the enquiry was concluded on 3.2.2014. That the authority passed the order after two and half years on 3.8.2016. He argued that the proceedings were delayed on two stages first at the stage of enquiry and secondly at the stage of passing of the order of penalty. That for the first stage, the period of 30 days was provided under the rules whereas for the second stage 15 days were provided. That the delay had caused prejudice to the appellant. That no explanation of delay was given by the department for both the stages. That the delay would amount to abuse of process of law and would be fatal for the disciplinary proceedings. He further argued that no show cause notice was issued to the appellant nor any copy of the enquiry report was supplied to him and similarly no personal hearing was afforded to the appellant.

4. On the other hand the learned District Attorney argued that all the codal formalities of due process were fulfilled. That the enquiry committee had elaborately dealt with each and every aspect of the case and had found the appellant guilty. That the enquiry committee had also calculated the proportionate financial liabilities over the appellant alongwith others involved in the embezzlement. That the recovery had also been effected from others except the appellant as per report of the enquiry committee. That though no show cause notice was given to the appellant but some explanations were called on 12.10.2015 before the order of removal. That there was no delay in the enquiry as there were

two enquiry reports and the first enquiry report was submitted within time. That the second enquiry committee was constituted on the application of the appellant.

CONCLUSION


5. Without discussing the points of delay in submitting enquiry reports and the delay at second stage, this Tribunal is to see whether other mandatory procedural due processes were fulfilled. No charge sheet coupled with the statement of allegations were issued to the appellant. No show cause notice was issued to the appellant after the conclusion of the enquiry. No copy of the enquiry report was supplied to the appellant. Rather the enquiry report which was produced before the Tribunal was a fact finding enquiry report. The appellant was awarded penalty on the basis of this fact finding enquiry report without adhering to the mandatory procedural due process as mentioned above. So much so that the impugned order of removal was made only on the ground of absence of the appellant and there is no finding regarding the charge of embezzlement as appears from the fact finding enquiry. It means that the authority had not discharged his duty to initiate proper departmental proceedings regarding embezzlement. It was incumbent upon the authority to have had initiated departmental proceedings on the basis of fact finding enquiry report by issuing proper charge sheet and other due processes as mentioned above. The authority had also not ordered the recovery of proportionate share of the appellant because he had not initiated the departmental proceedings against the appellant. It appears that the impugned order was passed only on the charge of absence of the appellant. Had the same been passed on the charge of embezzlement the same would have been dismissal from

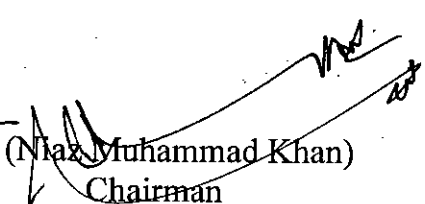
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service and not removal from service. Furthermore the context of final order reveals that this penalty was for absence only.

6. Now this Tribunal is to see whether the impugned order which was passed on the basis of absence was passed properly. As observed above for absence the department had two options under the rules, one was to proceed the appellant under Rule 9 and second to proceed under provisions regarding regular enquiry under the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011. The department had opted for the second option but as observed above for the second option the department was required to adhere to all the procedural steps starting from issuance of charge sheet which had not been done.

7. Consequently, the impugned order is set aside. The appellant is reinstated in service. The department is directed to issue proper charge sheet coupled with statement of allegations regarding both the charges and to complete the enquiry proceedings within a period of 120 days from the date of receipt of this judgment. The issue of back benefits shall be subject to the final outcome of denovo proceedings and rules on the subject. Parties are left to bear their own costs. File be consigned to the record room.


(Ahmad Hassan)
Member

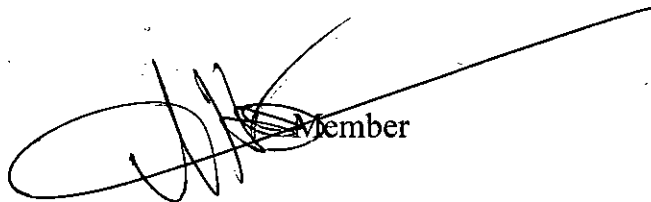

(Niaz Muhammad Khan)
Chairman
Camp Court, Swat

ANNOUNCED
06.03.2018


08.03.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Abdul Hadi Lecturer 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 costs. File be consigned to the record room.



Member



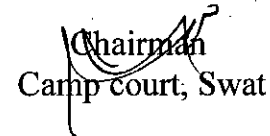
Chairman
Camp Court, Swat

ANNOUNCED
08.03.2018

07.12.2017

Mr. Shamsul Hadi, Advocate for appellant present and fresh wakalatnama submitted. Addl. AG alongwith Abdul Hadi, Principal for the respondents present. The newly engaged counsel requested for adjournment. Granted. To come up for rejoinder and arguments on 01.02.2018 before the D.B at camp court, Swat.


Member


Chairman
Camp court, Swat

01.02.2018

Clerk of the counsel for appellant and Addl: AG alongwith Asif Khan, AD. for the respondents present. Counsel for the appellant is not in attendance due to general strike of the bar. To come up for arguments on 07.03.2018 before D.B at Camp Court, Swat.

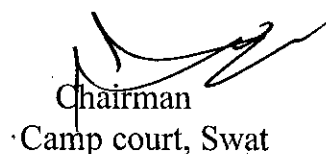

Member


Chairman
Camp Court, Swat

07.03.2018


Appellant alongwith Barrister Adnan Khan and Yousaf Khan, Advocate for the appellant present and fresh wakalatnama submitted. Mr. Usman Ghani, District Attoreny alongwith Abdul Hadi, Lecturer for the respondents present. Arguments partly heard. To come up for further arguments tomorrow on 08.03.2018 before this D.B.


Member


Chairman
Camp court, Swat

08.06.2017

Since the tour programme for the month of June, 2017 to camp court Swat has been cancelled by the Worthy Chairman, therefore, to come up for the same on 10.08.2017 at camp court, Swat. Notices be issued to the parties for the date fixed accordingly.


Registrar


10.08.2017

- Appellant in person and Mian Amir Qadar, DDA alongwith Murad Khan, A.D, Nowsherawan, Senior Auditor and Abdul Hadi, Lecturer for the respondents present. Written reply of respondent No. 4 received. Written reply by respondents No. 1 and 2 already received. Last chance is given to respondent No. 3. To come up for written reply/comments on 07.09.2017 before the S.B. at camp court, Swat.


Chairman
Camp court, Swat

07.09.2017

Appellant in person and Mr. Muhammiad Zubair, District Attorney alongwith Abdul Hadi, Lecturer, Fatal Hadi, Asstt. Professor and Nosherawan, Senior Auditor for the respondents present. Written reply of respondent No. 3 also received. The appeal is assigned to D.B for rejoinder, if any, and arguments for 07.12.2017 at camp court, Swat.


Chairman
Camp Court, Swat.

1230/16

10.02.2017

Appellant in person and Mr. Noshrawan, Senior Auditor for respondent No. 4 alongwith Mian Amir Qadar, GP for the respondents present. Requested for adjournment. To come up for written reply on 06.04.2017 before S.B at camp court, Swat.


Chairman
Camp Court, Swat.

06.04.2017

~~Appellant in person present. Mr. Khushi Rehman, Section Officer alongwith Mian Amir Qadar, Government Pleader for respondents also present. Written reply by respondents submitted. To come up for rejoinder and arguments on 05.09.2017 before S.B at Camp Court Swat.~~

~~(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
Camp Court Swat~~

06.04.2017

Appellant in person present. Mr. Khushi Rehman, Section Officer alongwith Mian Amir Qadar, Government Pleader for respondents also present. Written reply by respondents No. 1 & 2 submitted. None present on behalf of respondents No. 3 & 4. They again be notice for submission of written reply. To come up for written reply/comments on behalf of respondents No. 3 & 4 on 08.06.2017 before S.B at Camp Court Swat.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
Camp Court Swat.

Appeal No. 1230/2016
Muhammad Rehman vs Govt


05.1.2017

Learned counsel for the appellant argued that the appellant was serving as Laboratory Assistant at Government Degree College Agra Malakand when subjected to enquiry on the allegations of embezzlement and mis-conduct and removed from service vide impugned order dated 03.08.2016 where-against departmental appeal of the appellant dated 30.08.2016 was not responded and hence the instant service appeal on 13.12.2016.

That the entire proceedings of enquiry were devoid of merits as appellant was suspended on 13.09.2011 while enquiry was submitted on 18.3.2014, after lapse of more than 2 years and then the impugned order was passed after lapse of further more than 2 years. That during the said proceedings neither opportunity of personal hearing was afforded to the appellant nor final show cause notice was served and, furthermore, case of embezzlement is still being pending in the court of competent jurisdiction.

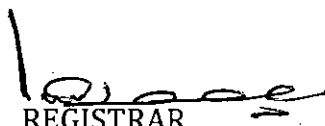

Points raised need consideration. Admit. Subject to deposit of security and process fee notices be issued to the respondents for written reply/comments for 10.02.2017 before S.B at camp court Swat. Notice of stay application shall also be issued to the respondents for the date fixed. Till further orders no recover shall be made from the appellant.

Appellant Deposited
Security & Process Fee


Chairman
Camp court, Swat

Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 1230 /2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	13/12/2016	<p style="text-align: center;">The appeal of Mr. Muhammad Rehman presented today by Mr. Faridullah Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	14-12-2016	<p style="text-align: center;">This case is entrusted to Touring S. Bench at Swat for preliminary hearing to be put up there on <u>05-1-2017</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No 1230 -M of 2016

Muhammad Rahman (Appellant)

VERSUS

The Secretary Higher Education and others..... (Respondents)

INDEX

S #	Description	Annexure	Pages #
1.	Appeal with certificate	---	1 To 7
2.	Addresses of the parties	---	8 To 9
3.	Affidavit	---	9
4.	Application for suspension with affidavit		10 To 12
5.	Copy of appointment order	A	13
6.	Copies of FIRs	B & C	14 To 17
7.	Copy of inquiry report with better copies	D	18 To 45
9.	Copy of suspension order	E	46
10	Copy of impugned office order of removal from service	F	47
11	Copy of departmental appeal	G	48 To 52
12	Wakalatnama		53

Appellant
Through Counsel



FARIDULLAH KHAN
Advocate, High Court

Office: Farid Law Chamber
Rooms No. 1, 2 & 3 Khan Plaza,
Gulshan chwok, Mingora, Swat
Cell No: 0333-9462803

(1)

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No 1230 -M of 2016

Khyber Pakhtukhwa
Service Tribunal

Diary No. 1288

Dated 13-12-2016

Mohammad Rahman S/o Amroz Khan (Ex-Laboratory
Assistant at Govt. Degree College Agra, Malakand)
Resident of Faiz Abad, Tehsil Alpuri, District
Shangla.

.....Appellant

VERSUS

1. The Secretary Higher Education Department Govt. of
Khyber Pakhtunkhwa at Peshawar.
2. The Director Higher Education Directate KPK at Peshawar.
3. The Principal Govt. Degree College Agra, Malakand.
4. The District Account Officer, Malakand.

.....Respondents

SERVICE APPEAL UNDER SECTION 4, OF
THE KPK SERVICE TRIBUNAL ACT, 1974,
AGAINST THE ORDER DATED 03-08-2016,
WHEREBY the appellant has been removed
from service and for not taking an action on

Filed to-day

Registrar

13/12/16

(2)

the Department Appeal filed by the appellant on 30-08-2016 before the Respondent No. 1.

PRAYER IN APPEAL

On acceptance of this appeal the order passed by Respondent No. 2 be declared as illegal, against law, void ab-initio by setting aside the same and the appellant may be reinstated on service with all back benefits.

Any other relief which are proper in the instant circumstances of the may also be granted.

Respectfully Sheweth,

- 1) That the appellant was appointed as Libotoray assistant by respondents on 06-12-1994. (Copy of appointment order is attached as annexure "A")
- 2) That the appellant was performing his duties honestly, devotedly up to the entire satisfaction of the higher throughout his career.

(3)

- 3) That on 11-11-2003, the appellant was transferred to Govt. Degree College Agra Malakand wherein the appellant was performing his duties up to the entire satisfaction and no complaint has been made against the appellant.
- 4) That all of a sudden without any explanation letter, show cause notice, any inquiry, and without fulfilling the codal formalities the pay of the appellant was stopped in May, 2011, and letter on an FIR bearing No. 3 Police Station A.C.E Malakand under sections 409, 419, 420, 468, 471, 201 PPC and 5 (ii) PC Act was lodged against the appellant on 08-09-2011. (Copy of FIR is attached as annexure "B")
- 5) That as such another FIR bearing No. 12 of Police Station Agra was lodged on 05-12-2013 under sections 381-PPC by Professor Abdul Hadi Inacharge Principal Degree College Agra, Malakand. (Copy of FIR is attached as annexure "C")

(4)

- 6) That on 13-09-2011 the respondent No. 2 suspended the appellant with effect from 09-06-2011. (Copy of suspension order is attached as annexure "E")
- 7) That inquiry committee was constituted as such inquiry committee submitted its report on 18-03-2014. (Annexure-D)
- 8) That on 03-08-2016, the respondent No. 2 removed the appellant from service illegally, against the law, hence the appellant filed Department appeal before respondent No.1 on 30-08-2016. (Copies of impugned office order of removal from service is attached as annexure "F")
- 9) That the respondent did not decide the departmental appeal within a instituted period, hence the appellant is approaching this Honorable Tribunal for the redressal of his grievances against the action and inaction of the respondents on the following ground inter alia. (Copy of departmental appeal is attached as annexure "G")

GROUNDS:-

- a. That the impugned order is illegal, against the law, void ab-initio, without lawful authority.

(5)

- b. That the impugned order is the result of mis-reading & non-reading of material present on case file.
- c. That the inaction of respondent No. 1 of the departmental appeal within statutory period is against the law, rules.
- d. That the inquiry so conducted against the appellant is illegal and against the law, and no rules have been followed.
- e. That the appellant has not been given opportunity of hearing as per law and rules.
- f. That the appellant has not been afforded opportunity to appear inquiry and to cross examine the witnesses.
- g. That no show cause notice has been given to the appellant.
- h. That the appellant has not been given opportunity a personal hearing before passing the impugned office order.

- i. That the mala-fide of the respondents can be ascertained from the fact that the appellant has not been given salary during the period of suspension for which he has legally been entitled.

- j. That the action and inaction of the respondents is mockery with law and justice.

- k. That the impugned office order is arbitrary, unilateral, and whimsical.

- l. That the respondent No. 2 did not wait for the decision of Anti Corruption Court in the subject matter and has illegally removed the appellant from service.


- m. That some grounds may be argued at the time of arguments with the prior permission of this Honorable Tribunal.

Therefore in view of the above submissions, it is most humbly prayed that on acceptance of this appeal the order passed by Respondent

(7)

No. 2 be declared as illegal, against law, void ab-initio by setting aside the same and the appellant may be reinstated on service with all back benefits.. Any other relief which are proper in the instant circumstances of the may also be granted.


Appellant
Through Counsel


FARIDULLAH KHAN
Advocate, High Court

CERTIFICATE:

(As per directions of my client) No such like Appeal earlier has been filed by the appellants on the subject matter before this Honorable Court.


ADVOCATE

(8)

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No _____ -M of 2016

Muhammad Rahman (Appellant)

VERSUS

The Secretary Higher Education and others..... (Respondents)

ADDRESSES OF THE PARTIES

APPELLANT

Mohammad Rahman S/o Amroz Khan (Ex-Laboratory
Assistant at Govt. Degree College Agra, Malakand)
Resident of Faiz Abad, Tehsil Alpuri, District Shangla.

CNIC No: 15561-6325967-9 Cell No: 0333 3053335

Respondents

1. The Secretary Higher Education Department Govt. of Khyber Pakhtunkhwa at Peshawar.
2. The Director Higher Education Directate KPK at Peshawar.
3. The Principal Govt. Degree College Agra, Malakand.
4. The District Account Officer, Malakand.

Appellant
Through Counsel



FARIDULLAH KHAN
Advocate, High Court

(9)

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No _____ -M of 2016

Muhammad Rahman (Appellant)

VERSUS

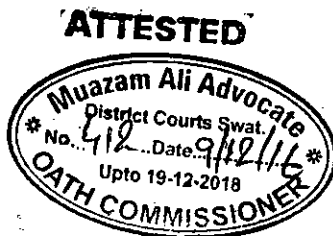
The Secretary Higher Education and others..... (Respondents)

AFFIDAVIT

I, Mohammad Rahman S/o Amroz Khan (Ex-Laboratory Assistant at Govt. Degree College Agra, Malakand) Resident of Faiz Abad, Tehsil Alpuri, District Shangla, do hereby solemnly affirm and declare on oath that the contents of the above titled Appeal is true and correct to the best of my knowledge and belief.

M. Rahman
DEPONENT

NIC: 15501-6321967-9



(10)

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No _____-M of 2016

Muhammad Rahman (Appellant)

VERSUS

The Secretary Higher Education and others..... (Respondents)

APPLICATION FOR SUSPENSION OF THE
IMPUGNED OFFICE ORDER AND TAKING
ANY ACTION ON THE BASIS OF THE
IMPUGNED OFFICE ORDER IN THE SHAPE OF
RECOVERY ETC. TILL THE FINAL ISPOSAL
OF THE INSTANT SERVICE APPEAL OR TILL
THE JUDGMENT OF ANTI CORRUPTION
COURT IN THE SUBJECT MATTER.

Respectfully Sheweth:-

1. That the appellant / applicant being filed the instant service appeal in this Honorable court, where in no date is fixed so far.

(11)

2. That the appellant / applicant has a will prima facie case and hopeful about the successes of the instant appeal.
3. That the balance of conveyance lies in favor of appellant / applicant as the impugned orders are patently illegal passed lack backing of law and are not sustainable.
4. That if the impugned office order has not been suspended the appellant would suffer irreparable loss.

It is, therefore, humbly prayed, that on acceptance this application the impugned office order and taking any action on the basis of the impugned office order in the shape of recovery etc be suspended till the final disposal of the instant service appeal or till the judgment of anti corruption court in the subject matter.

Date: __/__/016

Appellant through
Through


FARIDULLAH KHAN
Advocate High Court

(12)

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No _____ -M of 2016

Muhammad Rahman (Appellant)

VERSUS

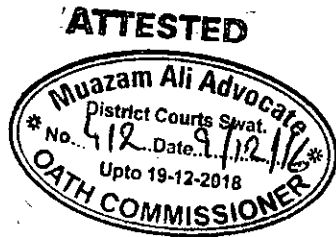
The Secretary Higher Education and others..... (Respondents)

AFFIDAVIT

I, Mohammad Rahman S/o Amroz Khan (Ex-Laboratory Assistant at Govt. Degree College Agra, Malakand) Resident of Faiz Abad, Tehsil Alpuri, District Shangla, do hereby solemnly affirm and declare on oath that the contents of the accompany application is true and correct to the best of my knowledge and belief.

M. Rahman
Deponent

NIC: 1559-63259679



(Annexure)

(13)

DIRECTORATE OF EDUCATION,
(COLLEGES) NWFP, PESHAWAR.

Dated Pesh: the 6-12-1994.

APPOINTMENT ORDER.

Selection

Consequent upon their selection by the Departmental/C committee as a result of Interview/Test held at Govt:College Peshawar and City Govt:Girls College Peshawar on 20/10/1994, the following candidates are hereby appointed as Laboratory Assistant in HPS-07(1480-81-2695) plus usual allowances against vacant posts in the Colleges noted against their names with effect from the dates of their taking over charges on the following terms and conditions.

S.No.	Name, Family & Address	Posted at	Remarks.
01.	Azhar Mahmood S/O Zardad Khan Village Dohairi Pakair Sahib cum Noordi Teh: & Distt: Haripur.	Govt:College Haripur.	vice Khalid Mahmood selected teacher & relieved.
2.	Muhammad Javed S/O Abdul Ghani, H/No. 324 K.T.S Sector No.4 District Haripur.	GC, Haripur	vice Muhd: Naseer has resigned.
3.	Muhammad Rehman S/O Anroz Khan Resident Alpuri Distt: Swat.	GC Chakassar	Against v/post.
4.	Mst. Majida Begum D/O Muhammad- Younas Khan C/O Abid Zaman Junior clerk GPEC, Abbottabad.	Govt:Girls College Abbottabad.	vice Muzaffar Hussain transferred.

TERMS AND CONDITIONS.

1. Their appointments is purely on temporary basis and are liable to termination at any time without notice till they complete their probation of two years or extended period.
2. In case any one wish to resign from service he will have to serve the department with one months prior notice of forfeit one months' pay in lieu thereof.
3. They will be governed by the rules in force or issued by the Government from time to time.
4. They will be required to produce health and age certificate from the medical Superintendent concerned before drawal of first pay.
5. The verification roll of Character and antecedent should be obtained on prescribed forms from them and submitted to this office.
6. No TA/DA is allowed to any one.
7. Charge reports should be submitted to all concerned.
8. The appointment of the person who failed to resume duty within 15 days will be considered as cancelled.

Endst: No. 2-167/ Apptt: /L. Asstt: /CIVIL

35055-65 dated 6/12/94.

Copy forwarded to the:-

1. Principals of Govt: Colleges (W) concerned.
2. Distt: Accounts Officer concerned.

(Prof: Muhammad Eqbal).
Dy: Director of Education (Colleges)
NWFP, Peshawar.

Dy: Director of Education (Colleges) NWFP
Peshawar.

Attested
M J

ATTESTED

گورنمنٹ پبلسٹیڈ رپورٹ نمبر 19/540 تا نام شہر- قندھار ڈیڑھ ستمبر 2006ء (2006ء میں شہر) کی تاریخ

نمبر 43

E-13

دو نمبر کا کارڈ

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 152 مجموعہ ضابطہ فوجداری

ACE منکر لنگڑا منقطع منکر لنگڑا

4 عدالتیں

تاریخ وقت وقوع سال 2008 تا 2011 وقت وقوع معلوم

اوقات رپورٹ 2011ء کی 9 وقت دفتری اوقات

جسٹس عبدالہادی ایچارج درپیل ٹوگری 8 بجے 1 بجے تک

پلیس 409/419/420/469/471/201/520/PCA

گورنمنٹ ڈسٹرکٹ ایجنسی کمانڈر جنرل 6/60 کمانڈر جنرل

کمانڈر جنرل اولڈ ایریا کمانڈر جنرل ایچ جی

برسر ایجنسی ٹوگری 7 بجے 8 بجے تک

ابتدائی اطلاع نیچے درج کرو۔ عینیت مندرجہ خانہ بھرہ بالہ کے پاس سے

جمعہ انڈسٹریل ٹوگری 360 فورہ 9/6/08 مختصر سے جناب DAC کی

انعام لگایا کہ ٹوگری مالج آگری کا ایجنسی کے پاس سے ملازمین

اور دیگر سرکاری کمر ختم ہو گئے ہے اس کے خلاف کاروائی کی گئی

بالا لیر حسب الحکم جناب DAC کے E-50/84 ممبران

نے زراعت انویسٹمنٹ شروع ہو کر کیا گیا کہ بالہ نے ماہیت

ڈگری مالج آگری مبالغہ 7670900 روپیہ

MR-C/TA/DA سے پیش نہیں اور کا پیشانی

11880500/11 لیر ختم ہو گئے اور دارالارسلان

کیا گیا ممبران حال مزبور کے جانب سے کوئی جواب

کہ واقعی مزبور کے قریب دارالارسلان

نورس محرم کے ٹوگری 7677 ممبران سے

بالہ کو اطلاع دی جاتی ہے۔ اگر

کاروائی جو

CERTIFIED TO BE TRUE COPY ATTESTED

Attest

Signature

(15)

Annex-B
Better Copy

(5)

Better Copy of FIR

E-13

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

ضلع: ملاکنڈ

تھانہ: A.C.E ملاکنڈ

علت نمبر: 3

تاریخ: وقت وقوعہ سال 2008 تا 2011 وقت نامعلوم

تاریخ وقت رپورٹ	2011-9-6 وقت دفتری اوقات۔ چاکیدگی پرچہ 8-9-2011 وقت 09:00 بجے
نام و سکونت اطلاع دہندہ مستغیث	پروفیسر عبدالہادی انجارج پرنسپل ڈگری کالج آگرہ ملاکنڈ
مختصر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو	409/419/420/468/471/201 PPC & 5(2) PC Act
جائے وقوعہ فاصلہ تھانہ سے اور سمت	گورنمنٹ ڈگری کالج آگرہ۔ فاصلہ 50/60 km جانب غرب
نام و سکونت ملزم	محمد رحمن ولد امر و خان سکندہ پوری ضلع شانگلہ
کارروائی جو تفتیش کے مطابق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	برسیدگی چھٹی انگریزی نمبر 7077 مورخہ 05-09-2011 مقدمہ قائم کیا گیا۔
تھانہ سے روانگی کی تاریخ وقت	بیسبل ڈاک

ابتدائی اطلاع نیچے درج کرو: مورخہ 20-09-2014 کو مستغیث مندرجہ خانہ نمبر ۲ کے جانب سے

انگریزی چھٹی نمبر 360 مورخہ 09-06-2011 بحضرت جناب DAC صاحب پشاور موصول ہو کر اس میں الزام لگایا کہ ڈگری کالج آگرہ کالیبارٹری اسٹنٹ محمد رحمن بالانے ملازمین کا جی پی فنڈ اور دیگر سرکاری رقم خرد برد کی ہے اسکے خلاف کارروائی کی جائے چھٹی انگریزی ارسال کردہ متذکرہ بالا پر حسب الجہم جناب DAC صاحب O.E نمبر 84/2011 بحوالہ انگریزی چھٹی نمبر 6550 مورخہ 10-08-2011 کے ذریعے انکوائری شروع ہو کر پایا گیا کہ ملزم بالانے بابت جی پی فنڈ ملازمین قبضہ ڈگری کالج آگرہ مبلغ 7,67,900/- روپے جبکہ دیگر سرکاری رقم چارکول، سپیشل گرانٹ، MRC/TADA، سٹوڈنٹس فیس اور کانسٹیبل وغیرہ سے مبلغ 4,20,400/- روپے کل مبلغ 11,88,500/- روپے خرد برد کیلئے ذمہ دار پاکر ملزم بالا کو صفائی کا موقع دیا جا کر سوالنامہ جاری کیا گیا۔ مگر تا حال مذکورہ کی جانب سے کوئی جواب نامہ موصول نہیں ہوا ہے۔ جس سے ثابت ہوتا ہے کہ واقعی مذکورہ نے رقم ذکر شدہ بالا خرد برد کی ہے۔ ملزم بالا کے خلاف حکم بابت رجسٹریشن مقدمہ بحوالہ چھٹی انگریزی نمبر 7077 مورخہ 5.9.2011 موصول ہو کر جسکے خلاف مقدمہ بہ جرم بالا درج رجسٹری کر کے افسران بالا کو اطلاعی دی جاتی ہے۔ اگر بدوران تفتیش دیگر کوئی اہلکار ملوث پایا گیا تو اسکے خلاف بھی حسب ضابطہ کارروائی عمل میں لائی جائیگی۔ پرچہ گزارش ہے۔

دستخط انگریزی

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CO/ACE Malakand

08-09-2011

Barrister
Dr. Salman Khan
Advocate High Court

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 153 مجموعہ ضابطہ جہادی

تاریخ 28-01-06

کامپوزنگ

آرٹھ

منسلق

درآمد

تاریخ وقت وقوع جرم 27/12/2005 وقت 05:05 بجے

27 (12)

تاریخ وقت رپورٹ	حور علیہ 12/01/06 کو وقت 12:05 بجے
نام رکنیت اطلاع دہندہ مستقیمت	برینیل گورنمنٹ ڈگری کالج آرٹھ
تفصیلی کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	381 PPC
جائے وقوعہ فاصلہ تھانہ سے اور سمت	گورنمنٹ ڈگری کالج آرٹھ دفاعی کیمپ 1 km احاطہ کیمپ از کیمپ
نام رکنیت ملزم	حور علیہ دلالہ روز خان سہیلہ بیگم 4 منسلق تھانہ
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرنا	بہر ضرورت رپورٹ پر 5 بجے تک
جائے سے روانگی کی تاریخ وقت	

جناح عالی گزارش معینہ مورخہ ابتدائی اطلاع نیچے درج کہ (12/01/06) کو برینیل گورنمنٹ ڈگری کالج آرٹھ نے
 حور علیہ لیبارٹری اسٹینٹ کے خلاف کالج دیکارڈ سسٹم کرنے کی تحریری درخواست کی جس پر DPP صاحب
 نے حور علیہ نے مورخہ 12/01/06 کی کٹھن میری رائے دیکر 381 PPC کا سب سے زیادہ ضرر کیا کہیں ملزم ہالا
 کے خلاف پیرچہ گزارش ہے۔ امپرووڈ جواب
 12/01/06
 5/12/05

برینیل گورنمنٹ ڈگری کالج آرٹھ منسلق تھانہ کی جانب یوسٹ کمانڈر کیوری یوسٹ آرٹھ۔ اسلئے مورخہ
 اندراج مقدمہ بر خلاف ملزم حور علیہ۔ صاحب عالی، مورخہ 12/01/06 کو ملزم حور علیہ لیبارٹری اسٹینٹ گورنمنٹ
 ڈگری کالج آرٹھ سسٹم کلرک پر درمیان کی علالت کسی وجہ سے سائبہ برینیل صاحبہ کی حکم پر کالج
 اکاؤنٹس کا اڈوائس کیا۔ اس دوران ملزم حور علیہ 12/01/06 کو کالج سے اکاؤنٹس کے ختم ہونے کے بعد
 کیمپ میں اس کے خلاف ایسی کریمین نے 12/01/06 کو دیکھا۔ اور تحقیقات جاری ہے
 اس دوران حور علیہ کالج دیکارڈ بشمول 6 کیشن بک 7 کٹھن میری رائے 8 برائیوٹ فونڈ 9 سٹریٹری
 10 سٹاک بک 11 دھبہ 12 پینکٹ باسن 13 دھبہ 14 حیدر بک اور دیکٹیشن دیکارڈ 15 بک
 دیکارڈ 16 ایمر۔ اس سے دیکارڈ 17 جاد کول دھبہ 18 بطان سیمینٹ 19 برائیوٹ فونڈ سیمینٹ
 دیکارڈ اور دھبہ سمیت سے کما غنائت اسے سائبہ نے لیا ہے۔ مورخہ 27/12/05 کو وقت 10 بجے
 لئے ساڈے لے گیا تھا اور جو کچھ نقد سسٹم لے لیا گیا ہے اس کا کالج اکاؤنٹس کا کال کرنا ہے
 اس کے ساتھ ساتھ ان دھبہ کی مورخہ 27/12/05 کو لے لیا ہے۔

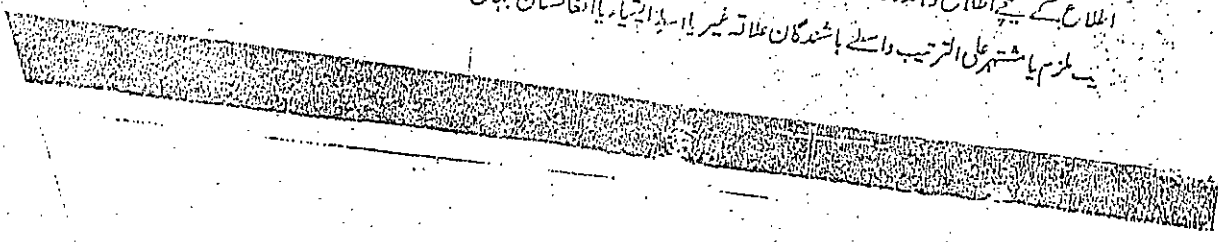
برینیل گورنمنٹ
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سید ہلالیہ کیس درج ہوا اور ملزم آغا شہزاد کے کیس تحت سلیپ میں درج کی گئی تھی۔
قابل اسٹیمپ آفیس میں ایک شکایت آگیا اور اس کی کمیٹی قائم ہوئی اور آگیا اور اس کی
تحت میٹنگ ملزم ملزم کی بار بار ریکارڈز / ریموٹ اسٹیمپ لاء کیے واسطے کیا گیا۔ لیکن ملزم ملزم
کیس قابل ریکارڈ / ریموٹ اسٹیمپ لاء کیے واسطے کیا گیا۔ اور اس کی کمیٹی قائم ہوئی اور اس کی
قابل ریکارڈ / ریموٹ اسٹیمپ لاء کیے واسطے کیا گیا۔ اور اس کی کمیٹی قائم ہوئی اور اس کی
مہر صاف ہے۔ ملزم ملزم کیس درج ہوا اور ملزم آغا شہزاد کے کیس تحت سلیپ میں درج کی گئی تھی۔
وکیل کریس۔ ریکارڈ / ریموٹ اسٹیمپ لاء کیے واسطے کیا گیا۔ اور اس کی کمیٹی قائم ہوئی اور اس کی
آگیا اور اس کی کمیٹی قائم ہوئی اور اس کی کمیٹی قائم ہوئی اور اس کی کمیٹی قائم ہوئی اور اس کی

آگیا اور اس کی کمیٹی قائم ہوئی اور اس کی کمیٹی قائم ہوئی اور اس کی کمیٹی قائم ہوئی اور اس کی

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وقت
مہر
اطلاع کے لیے اطلاع دہندہ کا دستخط ہوگا یا اس کی سربراہان کا کیا جائے گا۔ اور اس پر گورنمنٹ کی اطلاع کارکنوں اور اہلکاروں کے ذریعے ہوگی۔
یہ مضمون یا دستخط علی الترتیب واسطے باشندگان علاقہ غیر یا۔ یا ایشیا یا افغانستان جہاں سوزوں ہوں لکھنا چاہیے۔



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Annexure-C
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ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

تھانہ: آگرہ

ضلع: ملاکنڈ

علت نمبر: 12

تاریخ: وقت وقوع مورخہ 27-12-2005 بوقت 10:00 بجے

تاریخ وقت رپورٹ	مورخہ 04-12-2013 بوقت 12:00 کی چاکیدگی پرچہ 5-12-2013 بوقت 15:00 بجے
نام و سکونت اطلاع دہندہ مستغیث	پروفیسر عبدالہادی انچارج پرنسپل ڈگری کالج آگرہ ملاکنڈ
مختصر کیفیت جرم (معد دفعہ) حال اگر کچھ لیا گیا ہو	381 PPC
جائے وقوع فاصلہ تھانہ سے اور سمت	گورنمنٹ ڈگری کالج آگرہ بہ فاصلہ 1 km جانب شرق از تھانہ
نام و سکونت ملزم	محمد رحمن ولد امر و زخان سکنہ ایپوری ضلع شانگلہ
کارروائی جو تفتیش کے مطابق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	برسیدگی رپورٹ پر چچاک شد
تھانہ سے روانگی کی تاریخ و وقت	

ابتدائی اطلاع نیچے درج کرد: مورخہ 04-12-2013 کو پرنسپل گورنمنٹ ڈگری کالج آگرہ نے لیبارٹری

اسٹنٹ محمد رحمن بالا کے خلاف کالج ریکارڈ سرقہ کرنے کی تحریری درخواست کی۔ جس پر DPP صاحب بٹ خیلہ نے مورخہ

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05-12-2013 کو تحریری رائے دیکر جرم 381 PPC کا سرزد ہونا تحریر کیا لہذا ملزم بالا کے خلاف پرچہ گزارش ہے

05-12-2013 آگرہ امیر نواب دستخط انگریزی محررہ تھانہ 05-12-2013 متن رپورٹ ذیل ہے۔

Advocate
Dr. S. Khan
Advocate High Court

پرنسپل گورنمنٹ کالج آگرہ ضلع ملاکنڈ بجانب پوسٹ کمانڈر لیوی پوسٹ آگرہ۔ ہر اسلہ بغرض اندراج مقدمہ برخلاف ملزم محمد رحمن

جناب عالی! عرض یہ ہے کہ ملزم محمد رحمن لیبارٹری اسٹنٹ گورنمنٹ ڈگری کالج آگرہ سینٹر کلرک پرویز خان کی علالت کی وجہ سے

سابقہ پرنسپل صاحبان کے حکم پر کالج اکاؤنٹس کا انچارج تھا۔ اس دوران ملزم محمد رحمن LIA نے کالج کے اکاؤنٹس کے مختلف مدت

میں غبن کیا۔ غبن کے سلسلے میں اس کے خالف انٹی کریپشن نے FIR درج کیا ہے اور تحقیقات جاری ہیں۔ اس دوران محمد رحمن کالج

ریکارڈ بشمول ۱۔ کیش بک ۲۔ کاسٹینجی رجسٹر ۳۔ پرائیویٹ فنڈ رجسٹر ۴۔ سٹنٹری ریکارڈ ۵۔ سٹاک بک رجسٹر ۶۔ بینک

پاس رجسٹر ۷۔ چیک بک اور ریکنسلیشن ریکارڈ ۸۔ بجٹ ریکارڈ ۹۔ ایم۔ اے۔ سی ریکارڈ ۱۰۔ چار کول رجسٹر ۱۱۔ سٹاف

سٹینٹ ۱۲۔ پرائیویٹ سٹینٹ فنڈ اور دوسرے بہت سے کاغذات اپنے ساتھ لے گیا ہے۔ بہ مورخہ 27-12-2005 بوقت

10:00 بجے صبح اپنے ساتھ لے گیا تھا۔ اور چونکہ رفقیر شہزادہ کو بتایا تھا کہ چونکہ وہ کالج اکاؤنٹس کا کام کرتا ہے اسلئے اس کو گھر پر

ان رجسٹرات کی ضرورت ہوتی ہے بعد میں ملزم محمد رحمن کے خلاف کیس درج ہوا اور ملزم محمد رحمن کے کیس کے سلسلے میں پرنسپل

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سٹ پوسٹ ڈگری کالج ایبٹ آباد کے سربراہی میں ایک محکمانہ انکوائری کمیٹی قائم ہوئی اور انکوائری شروع ہوئی تو ملزم محمد رحمن کو
ابار ریکارڈ از جشرات لانے کیلئے رابطہ کیا گیا۔ لیکن ملزم محمد رحمن نے ابھی تک کالج ریکارڈ از جشرات کالج کو واپس نہیں
کیا۔ انکوائری کمیٹی نے ملزم محمد رحمن کے خلاف کالج ریکارڈ کو سرقد کرنے کے جرم میں FIR درج کرنے کی ہدایت کی ہے۔ لہذا
آپ صاحبان مہربانی کر کے ملزم محمد رحمن کے خلاف قانونی کارروائی کر کے سرقد سامان اریکارڈ وصول کریں۔ رپورٹ عرض ہے
۔ دستخط انگریزی پرنسپل عبدالہادی گورنمنٹ ڈگری کالج اگرہ مالاکنڈ محرمہ 4-12-2013

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BE THE COPY

Adnan Khan

Advocate
D. J. Khan
Advocate High Court

*Attest
M. J.*

(18)

(Annexure D)

DIRECTORATE OF HIGHER EDUCATION

KHYBER PAKHTUNKHWA, KHYBER ROAD PESHAWAR

Telephone No.091-9211025-9210217-9210242 Fax-9210215

No. 6052 / CA-VII/Estt. Branch/

Dated 18/3/2014

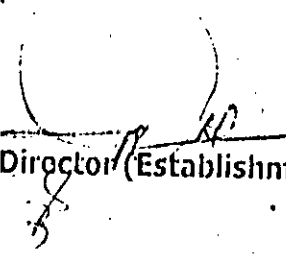
To

The Principal
GDC, Agra (Malakand)

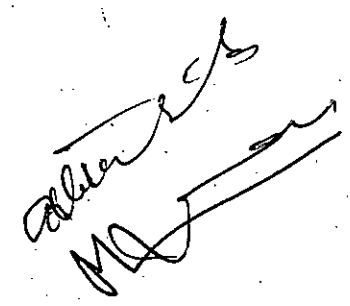
Subject:- INQUIRY REPORT / APPEAL FOR RELEASE OF COMMUTATION AND PENSION IN RESPECT OF MR. FAZAL WAHID EX-PRINCIPAL GDC, AGRA (MALAKAND).

Memo:

I am directed refer to the subject cited above and to send herewith copy of the inquiry report and to ask you to take action on the recommendation at S.No.1 of inquiry report under intimation to this Directorate.


Deputy Director (Establishment)

BA
فہرستان



DEPARTMENT OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA

(19)

83 34



GOVT. POSTGRADUATE COLLEGE NO.1 AHIRIOTABAD

No. 284

Date: 01/02/2014

To

The Director of Higher Education
Khyber Pakhtunkhwa, Peshawar.

SUBJECT: INQUIRY REPORT/ APPEAL FOR RELEASE OF COMMUTATION AND PENSION IN RESPECT OF MR. FAZAL WAHID, EX PRINCIPAL AGRA MALAKAND AGENCY.

Dear Sir,

REFERENCE

This is with reference to your office memo Nos. 15305-10/CA-I/Estt:Branch/A-12/General Misc/ Proposal, No.29038-40/CA-I/ Estt: Branch/A-12/ General Misc/ Proposal, No.5634-36 /CA-I/Estt:Branch/ A-12/General Misc/ Proposal and 23409-02/CA-I/Estt:Branch/A-12/General Misc/Proposal; dated Peshawar the 31-03-2012, 21-12-2012, 06-03-2013 and 22-11-2013 whereby I as the chairman along with two other worthy members were appointed as inquiry committee to probe in the subject matter by conducting fact finding inquiry aiming at formulating cogent recommendations to be submitted to your good office for perusal and further necessary action, please.

*Please check
ack. copy. 1.2.14
3/2*

PROCEDURE

With objective to reach the cogent conclusion, the early inquiry reports, Audit records and other relevant documents were requisitioned and studied, also all the concerned Officers/Officials were served with questionnaires to be filled with supportive documents, heard in person and were asked to give the statement in writing. The aggrieved Officers/Officials whose amount of GFP Advances drawn were asked to file applications. The college administration was repeatedly asked to engage the relevant Govt. Agency to recover the missing college official record so that necessary assessment of the financial loss to the college/Govt. Exchequer may be made. The ACE, Malakand was also requested to give the update with regard to the progress in the registered embezzlement complain/case. No response is received from the ACE, Malakand and no missing record has so far been recovered that really caused delay in the completion of the inquiry process.

With regard to different questionnaires served to and the correspondance made with various persons, Officers, Officials and Agencies, the following documents were obtained which are indexed accordingly. Mr. Fazal Wahid, the Principal retired, appellant for the release of his commutation and pension, filed reply to the questionnaire served to him along with its enclosure comprising 100 pages marked as (A-1 to A-86.3). Mr. Muhammad Rehman, Lab Asstt: GDC Agra, Malakand Agency, the accused, filed his written reply consisting of 22 pages marked (B-1 to B-11) in response to questionnaire served to him. Mr. Zia ul Haq, Ex Principal of GDC Agra and now the Principal of GPCG Thergara, was also served with questionnaire whose reply along with enclosure containing 9 pages marked as C-1 to C-8 are taken into account. Some other related documents are collected by the Inquiry Committee itself e.g. (i) on its own, (ii) from the concerned college administration, (iii) from the office of directorate of higher education and the CPO, etc., (iv) pertinent findings from the already conducted inquiries and (v) previously carried out Audit reports. These documents are categorized and indexed as D-1 to D-9, E-1 to E-25, F-1 to F-9 and G-1 to G-10

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Inter-Departmental Committee's involvement in treasury management (keeping A/Cs opened during the tenure of respective DDOs in chronological order)

1. Mr. Muhammad Rehman, Lab Assistant, was transferred from Govt. College Alport, District Shajhpur to Govt. Degree College Alport, Malakand Agency, Peshawar No. 50 (College), III-3/2003 dated 11/11/2003 (Annexure F-5). The Principal/DDO at that time was Mr. Fazal Karim Khan.

2. Mr. Fazal Karim Khan, Regular Principal with DDO powers from 20-05-2000 to 11-11-2004, retired on 11-11-2004 (A.N). Audit was conducted on his retirement. It, for the first time, indicated Mr. Muhammad Rehman, Laboratory Assistant of Chemistry in accounts matters in place of accountant clerk.

3. Mr. Fazal Wahid, Incharge Principal/DDO on the recommendations of Mr. Fazal Karim Khan from 25-11-2004 to 02-05-2005, in his first tenure of office, upheld the tradition and allowed Mr. Muhammad Rehman to continue his assignments among other dealing with account matters as per practice in vogue therein.

4. Mr. Fazal Chafar took over the charge as a regular Principal/DDO from 03-05-2005 to 23-04-2007 after Mr. Fazal Wahid who (Mr. Fazal Chafar retired on 23-04-2007 (A.N). He was inspired by Mr. Muhammad Rehman and reposed in him his full confidence and went to the extent that he wrote recommendation letter vide No. 245 dated 30-12-2006 (Annexure F-9) requesting the Director Higher Education for permanent assignment of Mr. Muhammad Rehman as senior clerk by conversion of his post of Laboratory Assistant to senior clerk to act as college accountant. Internal order by the Directorate of Higher Education was done of the period from 13-11-2004 to 23-04-2007 on 25/26-04-2007 covering the period of Fazal Wahid and Fazal Chafar. The audit team did not raise any objection on dealing accounts matter by a laboratory assistant of chemistry, Mr. Muhammad Rehman in the light of notification by the Directorate of Higher Education NWFP Peshawar vide No. 20315-117/A-VII/ESL/Blanch dated 19-05-2003 (Annexure F-7). Had the audit team, at that time, asked to follow the directive of the Director of Higher Education, contained in (Annexure F-7), preceding a Lab. Assit. to deal with account matters, this might have been a case of corruption and the college record in the known history of the colleges would not have been taken place. All the college financial record was taken away by Mr. Muhammad Rehman in the tenure period of Mr. Fazal Chafar supposedly with the consent of the then incumbent Mr. Fazal Chafar. The whole record of the college was perceptibly brought from an unknown place to the college or the house of Fazal Chafar for audit purpose and never brought back to the college after then. Reports of the college chokidar, senior clerk and different Principals are annexed as (Annexure A-39; D-1; D-2; D-3; D-4 & D-5).

5. Mr. Zia-ul-Haq 01-05-2007 to 28-02-2009 (about 1 year, 10 months), succeeded Fazal Chafar. He did not take the charge of the office as principal/DDO in proper way, i.e., No formal handing/taking over on the official documents took place which was mandatory provision on the eye of relieving the outgoing officer. Documents to be signed during handing over and taking over from one DDO to the other DDO amongst other are 1. each book, 2. Classified registers, 1. Govt. Fee, 2. Private Fund, 3. Stock registers, 1. science, sport, etc. 2. General stock, 1. Bank's transactions, 1. pass book, 2. Last day banks

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statements 5. Hostel; i. cash book ii. Last day Banks statements, etc. etc. Even after assuming the charge of the office, he adopted criminal silence and did not take timely effective remedial actions needed to recover the missing record of the college. The college virtually remained in the state of abeyance, as far as monetary transactions were concerned, due to missing of the college official record. The office record remained missing all along his tenure of Principalship/DDOship.

6. Mr. Hidayatullah Khan A.P of Islamiyat from 01-03-2009 to 31-03-2009 (1 month only), relieved Mr. Zia ul Haq and took over the charge from him (Mr. Zia-ul-Haq) while he (Mr. Zia-ul-Haq) was transferred from GDC Agra to GDC Thana, on simple charge report sheet/Performa. No obligatory formal handing over and taking over took place by signing i.e., putting signatures of the relieved and relieving Govt. Servants on necessary official documents because of the absence of official record in the college. Whereas the relevant record was remained missing. Solemn declaration, affidavit (F-1) is referred.
7. Mr. Fazal Wahid 01-04-2009 to 10-05-2011, again took over the charge of DDO ship in 2009, in his second term of office. From April, 2009 to March, 2010, one year period Military operation started to curb down insurgency in Malakand Agency for that reason local population were displaced rather evacuated and sent to tents installed at Mardan, Peshawar and Hazara. The normalcy was restored in March, 2010. During this period the area was in *disorder*. With the exception of two receipts annexed as annexure (B-4; B-5 or A-42; A-41) nothing is available against Mr. Fazal Wahid in corruption/embezzlement case of GDC Agra. No report from the college authority or any other Govt. Agency is found against Mr. Fazal Wahid. All the initial reports and preliminary investigations held Muhammad Rehman solely responsible for the grave offence. An FIR No.3 Dated 8/9/2011 was exclusively registered with P.S.ACB Malakand, Vs 2014/09/419/420/468/471/ PRC & 5(2) P.C. Act (Annexure A-52) on the formal complaint of Prof. Abdul Hadi, the then Principal, GDC. Agra vide his letter No.360 Dated 9/6/2011 (Annexure A-62 & A-63). Arrest warrant U/S 204 Cr.P.C., on the basis of FIR lodged against Mr. Muhammad Rehman, was issued by the worthy Civil Judge Balkhala, (Annexure D-6; D-7 & D-8). However, no arrest has yet been materialized and the accused is still absconder. The accused is ordered by the worthy court of law to appear before the court under section 87 Cr.P.C. (annexure A-59); the news to this effect was published in the daily AAJ Peshawar dated 13/07/2013, news clipping annexed as (Annexure D-9).
8. Mr. Hidayatullah Khan 11-05-2011 to 24-07-2011 (1 month 20 days), again acted as incharge principal/DDO. He as a matter of fact sandwiched the 2nd term of office of Mr. Fazal Wahid (01/04/2009-10/05/2011). He neither handed over the monetary documents to Fazal Wahid on 01/04/2009 nor taken over the lost documents from Mr. Fazal Wahid on 10/05/2011. This is clear and lucid proof of the fact that the college record had never come in the custody of either Mr. Hidayatullah Khan or Mr. Fazal Wahid. The status-quo of objectionable silence was maintained from Mr. Zia ul Haq to Mr. Hidayatullah Khan via Mr. Fazal Wahid. The documents once taken away in the tenure of Mr. Fazal Ghafoor by Mr. Muhammad Rehman remained stolen, allegedly taken away by him (Mr. Muhammad Rehman) once these were allegedly taken away by Mr. Muhammad Rehman, Lab. Assistant of chemistry of the college. Affidavit (F-1) referred again.

TABLE FOR GPF ADVANCES ALLEGEDLY WITHDRAWN FRAUDULENTLY

S.No.	Bill Passed vide Token No. & date	Name of (Officer/Official)/ Subscriber	GPF Account No.	Amount withdrawn	Incumbent Principal/DDO
1.	933. Date: 17.01.2008	Mr. Shahab-ud-Din, Asstt; Prof. of Economics	IV/Edn/Dn/3789/CSS	Rs.60,000/-	Mr. Zia-ul-Haq
2.	6125. Date: 02.04.2008	Mr. Fazl Wahid, Asstt; Prof. of Chemistry	IV/CI-1/Dn/2237/CSS	Rs.20,000/-	Mr. Zia-ul-Haq
3.	7538. Date: 28.08.2008	Mr. Sher Muhammad, Chokidar	IV/Edn/MKD/3332/CSS	Rs.25,000/-	Mr. Zia-ul-Haq
4.	21303. Date: 28.10.2008	Mr. Pervez Khan, Senior Clerk	IV/Edn/MKD/2276/CSS	Rs.34,600/-	Mr. Zia-ul-Haq
The Total amount of GPF Advance drawn during Mr Zia ul Haq Period comes out to be Rs. 374,100/-					
5.	9335. Date: 11.05.2009	Mr. Hidayatullah, Asstt; Prof. of Islamiyat	IV/Edn/MKD/556/CSS	Rs.30,000/-	Mr. Fazl Wahid
6.	85. Date: 16.09.2009	Mr. Shahab-ud-Din, Asstt; Prof. of Economics	IV/Edn/Dn/3789/CSS	Rs.27,000/-	Mr. Fazl Wahid
7.	25189. Date: 01.10.2009	Zahid Nabi, Naib Qasid	IV/Edn/MKD/2279/CSS	Rs.40,000/-	Mr. Fazl Wahid
8.	28179. Date: 19.10.2009	Faqir Shahzada, Mali	IV/Edn/MKD/2277/CSS	Rs.25,000/-	Mr. Fazl Wahid
9.	29578. Date: 24.10.2009	Hakim Zada, Mali	IV/Edn/MKD/4612/CSS	Rs.20,000/-	Mr. Fazl Wahid
10.	50. Date: 07.11.2009	Mr. Bahram Khan, Asstt; Prof. of Pashto	IV/CI-1/Dn/366/CSS	Rs.21,000/-	Mr. Fazl Wahid
The Total amount of GPF Advance drawn during Mr Fazal Wahid Period comes out to be Rs. 143,400/-					

In this way Muhammad Rehman was given a free hand in accounts matters and he became all and all in financial management. He started his misdeeds gradually. Muhammad Rehman took advantage of connivance and tacit consent of Mr. Fazal Ghafoor, criminal negligence and purposeful silence of Mr. Zia ul Haq, blind faith and carelessness of Mr. Fazal Wahid and unconcerned posture and indifferent attitude of Mr. Hidayatullah Khan to move forward towards his corruption and evil designs. He also got cooperation from Accounts office and National Bank and some officials of the Directorate of Higher Education. Thus he committed gross financial irregularities with impunity. Mr. Muhammad Rehman's clever moves to bring wild accusations of receiving illegal gratifications (bribes) against some officials of the Directorate of Higher Education and others from him (Annexures B-7, B-8 and B-9) on one hand placed the alleged accused (officials/officers) to defense and on the other hand confirmed the confession of sole involvement in the offence of financial misappropriation, embezzlement and corruption. It also confirms his total and individual responsibility in all financial damages.

The case should be handed over to FIA or ACE and all the college record should be retrieved from him. So that all the financial losses to the college/Govt. Exchequer during the period w.e.f. 24-04-2007 to 30-06-2011 (04 years, 02 months and 06 days) can be assessed/estimated and recovered from him in due proportion.

- a) [From 17/01/2008 to 25/10/2008 it was the tenure of Mr. Zia ul Haq during which the GFP Advance from S.No.1 to S.No.4 was drawn fraudulently]
- b) [From 11/5/2009 to 07/11/2009, the tenure of Mr. Fazal Wahid, it was the turbulent period due to military operation in the area resultantly nothing was in place. All the GFP Fund Advances from S.No.5 to S.No.10 was drawn during this disturbed period].
- c) [The audit of the period placed in block from 24/01/2007 to 10/06/2011 is not carried out due to the non-availability of the auditable record in the college which had been taken away by and is still in the custody of Mr. Muhammad Rehman.]

9. Mr. Abdul Hadi 27-07-2011 to 09-01-2012 (6 months), did marvelous job of starting new documentation on the basis of which the monetary record was initiated and started to be maintained. He lodged complaint of corruption with the anticorruption department against Muhammad Rehman, Lab Assistant of the college about his embezzlement and corruption.

10. Mr. Noor Zaman 10-01-2012 to 13-07-2013, made all his monetary matters on the record maintained by Mr. Abdul Hadi.

Audit of the period from 01/07/2011 to 31/07/2013 has been conducted by the audit party of the Directorate of Higher Education, Peshawar covering the period of Mr. Abdul Hadi and Mr. Noor Zaman and the audit report is submitted to the Director Higher Education for information and necessary action. The names of the audit team were Mr. Fazli Rehman, AD (A) and Mr. Fazli Subhan, Assistant.

One of two Receipts produced by Muhammad Rehman and the same by Mr. Fazal Wahid along with their reply of Questionnaires served to them.

Mr. Muhammad Rehman produced two receipts of payment viz (B-1 and B-5) one of the amount Rs. 1893000/- signed by Ex-Principal, Mr. Fazal Wahid and allegedly paid to him (Fazal Wahid). Second receipt of the amount Rs. 865000/- allegedly paid to Mr. Parvez Khan, senior clerk and attested by Mr. Fazal Wahid. Mr. Fazal Wahid produced the same two receipts annexed as (A-12 and A-11) with the claim that the receipts are bogus, the amount recorded on the receipts is fake and only the signatures are genuine which had been obtained on blank papers for the purposes to be used in connection with his commutation and pension purposes, where the need be.

Mr. Fazal Wahid submitted one solemn statement (Annexure (A-84) and one affidavit on judicial stamp paper in support of his claim (Annexure A-85) stating and affirming his signatures on the receipts to be genuine (only the signatures) but the statement was fake as it was written afterwards. Similarly the dates and the phrase (payment attested) were also fake and not written by him. According to Mr. Fazal Wahid, Mr. Muhammad Rehman came to his house and got blank papers signed for L.P.R and other uses as the college is at a remote area and due to problems of transport and communication, this practice was in vogue. Mr. Parvez Khan also declared the receipt and his signature as forged and fakes (Annexure (F-2.1 and F-2.2))

It is indeed surprising that the whole amount of money Rs. 865000/- of Zia ul Haq's tenure kept with Mr. Muhammad Rehman, as this amount was neither given by Mr. Zia ul Haq to Mr. Hidayatullah at the time of transfer of charge nor was deposited in the college Account or disbursed the due amount among the college staff accordingly. It was afterwards given to Mr. Parvez Khan on 10.05.2011 which is the superannuation date of Mr. Fazal Wahid. If Mr. Muhammad Rehman could pay Rs. 1893000/- to Mr. Fazal Wahid, then why did he not pay Rs. 865000/- to the same person say Mr. Fazal Wahid or the portion amount of GFP Advances to the real owners (Officers and Officials) whose GFP Advances had been drawn by him (Mr.

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Muhammad Rehman). The timings and facts are not in consonance with the events. Even if these receipts are supposed to be correct, the keeping of entrusted money with him (Mr. Muhammad Rehman) for such a long time is itself embezzlement & obtaining these kinds of receipts at such time, itself tantamount to fraud. Had Mr. Fazal Wahid involved in such type of embezzlement and corruption, there would have been no need of giving receipts or attesting the payment to any person for other's amount say Rs. 865000/-.

Therefore, the committee can safely declare the receipts contents to be bogus except signatures of Mr. Fazal Wahid which have been obtained fraudulently on the pretext of using for some other genuine purposes for which they were obtained. Hence Mr. Fazal Wahid and Mr. Parvez Khan may be absolved from burden and liability of both the receipts in question, being incredible.

The period during which the college record including the college computer was taken away/ stolen and by whom criminal activities unleashed.

As per solemn statement of the college Chowkidar, Mr. Faqir Shahzada, verified by the other Class-IV servants, namely M/S Zair Nabi, Abid Hussain, Muslim Khan, Zakir Hussain, Jakim Zada, Sahib Gul, Sadiq Khan and Mr. Parvez Khan, senior clerk, attested by Mr. Abdul Hadi, former principal and now a staff member and endorsed by the then Principal of the college Mr. Noor Aman, the whole office record of the college and one computer, presumably containing the college record data in its memory, (A-78; D-3) was taken away out of the college by Mr. Muhammad Rehman Lab Asstt: of the college in a private vehicle. According to the chowkidar (Faqir Shahzada) he forbade him (Muhammad Rehman) by dissuading him (Muhammad Rehman) objecting as to why he was taking away the college record, he (Muhammad Rehman) replied that the then Principal Mr. Fazal Ghafoor had allowed him to do the same. As he (the then Principal) was not present in the college at that time, but when after a few days he came to the college, the matter was reported to him in the presence of above mentioned Class-IV employees and the senior clerk and that he had not claimed the same to the college, but to no avail.

Also Mr. Parvez Khan, Senior Clerk of the college submitted his report to the then Principal of the college, to the effect that the college official record had been taken away by Mr. Muhammad Rehman out of the college. According to him, the detail of the office record taken away out of college premises by Muhammad Rehman is given therein, placed at (Annexure A-39 & D-2) which are reproduced as follows: 1. Cash Book; 2. Contingency Register; 3. Private Fund Register; 4. Stationery Register; 5. Stationery Stock Register; 6. Bank Pass Book and Cheque Book; 7. Receipt Statement; 8. Reconciliation Record; 9. Budget Record; 10. M.R.C Record; 11. Charcoal Register; 12. Staff Statement; 13. Private Statement Record; 14. The office record maintained in the college about GPF Advance of the class IV-Employees, etc. It is all the more surprising to note that the office record of the GPF Advance affected in the GPF branch of the Directorate of Higher Education is also manipulated and tempered. There is no record of the applications forwarded by the concerned Principals to the Directorate of Higher Education on the basis of which GPF Advance sanctions were granted by the Director of Higher Education. This criminal act was aimed at vanishing the proofs to reach the actual person who forwarded the applications for the grant of GPF Advance to the Director of Higher Education, Peshawar. Convincingly the applications had been fraudulently forwarded on the forged signatures of the Principals of that time, when once the sanctions had been granted; the applications were removed from the GPF Advance file to destroy the foot prints of the root cause. In this context some of the copies of applications and copies of the sanctions (F-3.1; F-4.1; F-5.1 & F-5.2) were obtained by the Inquiry Committee bearing the signatures of Mr. Zia-Ul-Haq, during his tenure of the Principalship/DDOship. When he (Mr. Zia-Ul-Haq) was asked to comment on the endorsements of the applications allegedly forward by him, he flatly refused to own his signatures put on them terming them forged and recorded his remarks note on the photo states of the annexed allegedly forwarded by him to the Director of Education for the grant of GPF Advances. (The matter regarding such serious type of lapse in the GPF branch of the Directorate of Higher Education office

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ferred to the Director of Higher Education for thorough probe and remedial measures for future (reference) Mr. Abdul Hadi in his tenure as Principal lodged formal complaint against Muhammad Noor Zaman, the then Principal also gave his hand written statement endorsed by his predecessor Principal Mr. Abdul Hadi, stating that he took over the charge as the Principal of the college on 31/12/2012 and found the whole college record prior to 01/07/2011 missing and reported to have been taken away by one Muhammad Rehman and himself was continuously absent ever since he had taken over the charge (D-4). An FIR to this effect had been lodged by the then Principal. The case is pending in the court of law in which he is reportedly at large being absconder. (A-59; A-60; A-61; A-62; A-63; D-6; D-7; D-8 & D-9). Recently the sitting Principal has also tried to get registered a fresh complaint against Muhammad Rehman, Lab Asstt: in Post Commander, Levies Post Area, demanding the retrieval/recovery of college official record mentioned in the application Vide No 354 dated 11/12/2013. (D-1 & D-2).

The whole of the information sources to whom we consulted, unanimously and consistently, in all honesty and beyond reasonable doubt, confirm that the college official record has definitely been taken away by Muhammad Rehman, Lab Asstt: of chemistry of the college and that he is continuously absent from his duties.

The detailed estimate of embezzled money in various heads including GPF Advance, as collected from all available sources of information

The detail of the GPF Advance amount as fraudulently drawn and embezzled pointed out by various inquiries conducted so far is specified as follows:

1. On the basis of initial report submitted to the Anti-Corruption Establishment Malakand and preliminary investigation made by the ACE, Malakand on 08/05/2011, the amount embezzled viz GPF Advance is Rs. 767900/- and that of other embezzlements Rs. 120000/- collectively Rs. 1188500/- was shown. Copies of the FIR and investigation report are placed at annexure (A-62 and A-63)
2. After going through the fact finding inquiry report compiled by Mr. Fazli Subhani, Principal, GPGC Dargai, Malakand, the committee got the information about amount embezzled by Mr. Muhammad Rehman is as follows. In GPF Advance Rs. 1352400/- and in other heads \$11600/- accumulatively Rs. 2144000/- (inquiry report is available in the office of DHE).
3. Inquiry report prepared on 06/03/2011 by Mr. Shahi, Assistant Accounts Officer, Mr. Sahibzada Shehryar, Senior Auditor and Mr. Essa Khan, Senior Auditor regarding GPF Advance embezzlement/fraud in DAO Malakand and found the amount embezzled in GPF Advance only is Rs. 1503500/- and the report is silent about rest of the embezzlements. This report gives no reference of the other amount under different relevant heads (Report is available in the office of DHE).
4. Mr. Muhammad Rehman and Ex-Principal, Mr. Fazal Wahid, both have produced two number of receipts, (exhibited as D-4 and D-5; A-12 and A-11) by former for certification of payment, and by later for rebuttal/denial of receipts terming them being fake respectively. The amount shown therein is Rs. 1893000/- signed by the Ex-Principal Mr. Fazal Wahid and Rs. 865000/- by Mr. Pervez Khan senior clerk and attested by Mr. Fazal Wahid, thus making gross total amounting to Rs. 2758000/-.
5. As far as GPF Advances are concerned the net amount assessed on the basis of written applications filed by the affectedees and forwarded by the principal under his endorsement No. 136 dated 08/04/2013 along with enclosure as annexed as annexure G-1 to G-10 to be Rs. 1535900/- and rest of the amount cannot be credibly ascertained due to the non availability of the authentic record.

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After examining the different available audit reports, the monetary part of which are reduced as above, all give the different accounts of amounts so embezzled by Mr. Muhammad Rehman, Lab Assistant of Chemistry at GDC Agra, Malakand Agency.

There is no match in these amounts; however, the two receipts produced by Mr. Muhammad Rehman and claimed to have been paid to Mr. Fazal Wahid Ex-Principal and Mr. Iqbal Khan, senior clerk, may be seen as a sort of self-confessional amount on the part of Mr. Muhammad Rehman which is somewhat close to the time of actual embezzlement amount. There is no office record of any transaction made during the period from 24/04/2007 to 30/06/2011. This is also reflected in audit report dated 10-12 September, 2013 submitted by Mr. Iqbal Khan, Assistant Director Audit, and Assistant Auditor Mr. Fazali Subhan, Directorate Higher Education Peshawar. (Audit report is available in the office of DHE).

The above mentioned amounts vary therefore irreconcilable and none of them can be reliably proved authentic or otherwise in the absence of authentic relevant record. Moreover, the above amounts partially indicate the detail of MRCs, A.C bills claimed and drawn plus the amount of TA/DA and charcoal allowance besides GPF Advances. So it becomes imperative first to recover the record from Mr. Muhammad Rehman, Lab. Asstt. through law enforcing agencies and thereafter authenticate the record, estimate the amount in question and take into account through experts in the field of Budget, Audit and Accounts of the Directorate of Higher Education for recovery purposes.

During the period i.e. from 24/04/2007 to 30/06/2011, five regular annual fiscal budgets and special grants, viz

1. 01-07-2006 to 30-06-2007 (from 24-04-2007 to 30-06-2007)
 2. 01-07-2007 to 30-06-2008
 3. 01-07-2008 to 30-06-2009
 4. 01-07-2009 to 30-06-2010
 5. 01-07-2010 to 30-06-2011
- | whole period of four financial years.

were allocated and released to G.D.C Agra Malakand agency which have/had been supposedly utilized by the various incumbents, and no order ^{was} carried out for the above period.

The regular annual budget and the special grants for the financial year 2006-07 was spent by Mr. Fazali Ghaloor as the Principal/DDO. The departmental audit was conducted up to 23-04-2007, the date of his retirement. Further audit from 24-04-2007 to 30-06-2011 could not be conducted for various reasons. During this period the regular budgets and special grants were utilized or supposed to be utilized by the concerned DDOs or in charge Principals whose detail is given below:

Mr. Zia-Ul-Haq

1. From 24-04-2007 to 30-06-2007; 2 months and 6 days from the remaining budget/special grants allocated for the year 2006-07.
2. Full budget and special grants allocation for the year 2007-08.
3. From 1-7-2008 to 28-02-2009; 8 months out of the regular budget and special grants for the year 2008-2009.

Mr. Hidayatullah Khan

From 01/03/2009 to 31/03/2009, one month the college remains under the control of Mr. Hidayatullah, therefore one month expenditure out of 2008-09 regular budget and special grants to be supervised by Mr. Hidayatullah.

Mr. Fazal Wahid

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1. 4, 5 and 6 three months of 2007 were utilized out of 2007-07 budget and special grants allocated by Mr. Fazal Wahid.
2. 2007-10 the whole regular budget and special grant was utilized by Mr. Fazal Wahid.
3. 2010-11 budget and special grant upto 10/05/2011 was utilized by Mr. Fazal Wahid and retired on 10/05/2011 (A.N).

Mr. Hidayatullah Khan

From 11/05/2011 to 30/06/2011 the expenditures were again made by Mr. Hidayatullah Khan out of 2010-11 regular budget and special grants.

Hence, in the absence of authentic record, no definite and categorically just and final reason can be delivered about the actual and factual amount embezzled during the period mentioned above. However, as a matter of fact during this period corruption was rampant and a large amount has been embezzled and lot of corruption took place in the college.

The committee recommends that the regular budget and the special grants allocated to DC, Agra w.e.f. 24/04/2007 to 30/06/2011 for the non-audited period (salary, non-salary and special grants) may be reconciled from the DAC, Malakand by the experts in the field of budget and account branch and audit branch of the office of Directorate of Higher Education and the audit amount not justified may be treated as embezzled by the audit party may be treated as embezzled and be recovered from the officers/officials as per percentage given against each as recorded in recommendations.

As far as pupils fund and Govt. fee collected by the admitted students, all kinds of scholarships, donations and endowments, etc. during the period not audited from 24-04-2007 to 30-06-2011 are concerned, it cannot be calculated without the availability of the credible official records which has allegedly been taken away by Mr. Muhammad Iqbal, Asst. of the

role of the District Accounts Office Malakand and that of the related bank branches

The committee started to discover how the cheques issued to various Officers/Officials could be encashed for GPF advances amount from the bank unless they were opened by an accounts Officer and verified by the dealing employees of the bank, who processed the cheques. Cheques were opened which made withdrawal possible. Had the cheques not opened, there were least chances of amount could have been drawn. It means the District Accounts Officer, Malakand was in league with Mr. Muhammad Iqbal and to certain extent, the dealing employees, through whom, the cheques were processed and the related bank officers and officials especially the Cashier who finally made payment seem accomplice.

The reply business of GPF Advances extraction of the following officers/officials started in the tenure time of Mr. Zia ul Haq's Principal ship/DOSHIP.

- 1) Prof. Shadab ul Din, initially Rs. 60000/-
- 2) Prof. Fazal Wahid who later on became principal and now retired Rs. 204000/-
- 3) Mr. Sher Muhammad, College Chowkdar Rs. 25500/- or Rs. 30000/-
- 4) Mr. Parvez Khan Senior clerk Rs. 34600/- or Rs. 38600/- which were taken out/drawn in January April, August and October of 2005 by fund.

The Accounts Officer Malakand should have acted according to the rules of GPF Advance and should have started necessary deduction/recovery of GPF installments just in the following months and should have issued balance sheets on time. In that case, concerned people and

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people in general would have come to know about it and the money loss would have been avoided. The money drawn would have been made to pay to the real owners. And this ugly business would have come to a stop. People would have become conscious and careful. Finally, extraction of GPF Advance of others by fraud and engulf would not have been possible. In this way the College and the Government EX.chequeet would have been saved from losses. So the Accounts Officer by not starting deduction of the due installments and no issue of balance sheets at right time kept the concerned subscribers in dark of withdrawal of their GPF Advances. Consequently the fraud continued without check, and entered in the tenure period of Mr. Fazal Wahid via Mr. Hidayatullah who also remained unaware of his own GPF advance and all other ugly business going on all along and all around his tenure, though his was turbulent period due to Swat Military Operation against insurgency. In this way the accounts officer not only showed negligence from his official duty but also became part of the ugly business indirectly. Bank Officers/Officials also showed carelessness which tantamount to neglect of duty. This fraud did not face any resistance at any step. In this regard SMSs and applications of Mr. Muhammad Rehman were worth noticing, which form weighty nexus. Therefore this committee considers the Accounts Officer and his GPF related staff equally responsible and can be held accountable and also shows its regret at related Bank Officer/Officials.

It is very astonishing for the Inquiry Committee to observe that the fraudulent draws of GPF advance started w.e.f January, 2008 and continued unabated to November 2009. Neither the deductions of the necessary installments from the salaries of the concerned subscribers were made nor were the Balance Sheets of their GPF ever issued in due course of time. But the sooner in the leakage of information about the embezzlement and corruption, the Director Higher Education appointed Mr. Fazli Subhani, the Principal GPGC, Dargai, Malakand Agency for the inquiry of the matter on 20/06/2011 vide No. 16232/CA-VIII/Ed;Branch dated Peshawar the 07/06/2011, the very next day, i.e., on 21/06/2011, the corresponding process was initiated/activated by the DAO, Malakand by issuing a letter No. DAO/ML/Ed/Fund/2010-11/2445 dated 21/06/2011 to the Principal GDC Agro, Malakand Agency (Copy not traceable) about the matter in question, followed by two more such letters No.DAO/MKD/FUND/2010-11/3534-35 dated 12/07/2011 (annexure-E2) and No. DAO/MD/G.A/2011-12/3562-65 dated 16/07/2011, (annexure-E-3) vividly in quick succession in response to a joint application moved by i. Mr. Hakim Zada Mali, ii Mr. Zair Nabi Naib Qasid and iii. Mr Pervez Khan Senior Clerk requesting for the stoppage of GPF Advance recoveries' installments (Annexure E-1) which indicates close and live co-ordination of network amongst various axes operating at different stations/corners. One can think how strong is the vicious circle against a poor principal/DDO rendering him (Principal) ignorant and helpless.

CONCLUSION

Mr. Muhammad Rehman had been working from 2004 to 2011 as accounts clerk instead of Lab. Assistant. He has been too clever and crafty person. To control such person requires bold, shrewd and extremely vigilant DDO. The officers of the education department are normally of compromising attitude and repose trust in their sub-ordinates and do not harbor bad opinion about them. The clever and crafty take undue advantages of their simple nature. What should a principal/DDO do when accounts office and other relevant offices and the bank management help such a crafty man against the DDO. Taliban unrest in the area also facilitated the crafty characters to take undue advantages. Mr. Rehman's indulgence in corrupt practices is also evident from his receipt, SMS's records produced by Mr. Fazal Wahid and cheques issued to some officers/officials and forged entry of Fazal Hayat (Annexures A-13, A-14, A-15, B-10, B-11, A-16, A-17, A-36.1, A-36.2, A-36.3 and A-43). The cross cheques were deliberately and

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attached to submit directly and discuss verbally in detail with the Director of Higher Education. Once he himself visited D.H.E. Peshawar with (19) pages written reports/documents to the creation of communication gap between the college and the Directorate of Higher Education because of creating a strong wall around him. This wall prevented news blackout due to the letters he used to write to the Director of Higher Education and keep himself abreast with routine development. The letters he used to write to different officers and keep himself commutable. Consequently it became not possible for him to travel all along to different offices and not easily commutable. The college has at a remote mountainous terrain with difficult approachability and not easily commutable. Consequently it became not possible for him to travel all along to different offices and keep himself abreast with routine development. The letters he used to write to the Director of Higher Education and keep himself commutable. Consequently it became not possible for him to travel all along to different offices and keep himself abreast with routine development. The letters he used to write to the Director of Higher Education and keep himself commutable. Consequently it became not possible for him to travel all along to different offices and keep himself abreast with routine development.

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All the college financial documentary record was taken away from the college by the incumbent, Mr. Fazal Chahar, with presumably collusion and consent of the members, Mr. Fazal Chahar, in the name of Mr. Fazal Chahar and did not take prior steps to recover the lost record by evolving right strategy necessary for the safe return of record back to the college. He, as a matter of fact, laid the foundation of fearless corruption. Mr. Zia ul Haq showed criminal silence and put curtain on crimes committed by Mr. Chahar. He did not take prompt action to force Muhammad Rehan to bring back stolen financial documentary record. The timely action would have saved the main character Muhammad Rehan and other officers/viz officers/officials of accounts office, Directorate of Higher Education and the bank. In this way the college and the public ex-checker would have been saved from further damages.

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at unfortunately could not meet the Director of Higher Education as he had gone to Kohat on official visit. When Fazal Wahid came to know about the mismanagement of the money, corresponding are found on the record that he did struggle to save the system from further deterioration. Authorities once issued to Muhammad Rehman to deal with D.A.O, Banks and the treasures were cancelled and Muhammad Rehman was issued many letter for return of official document in his custody and the money he had drawn fraudulently and illegally kept with him. Fazal Wahid tried to intimate the higher authority for the state of affair and solicited for the joint strategy to be evolved to curb menace. The letters written to DAO Malakand and the related bank were proved ineffective (Annexures A-5, A-12, A-21, A-22, A-23, A-24, A-25, A-26, A-7, A-40, A-69, A-74, A-76, A-77, A-78; B-3, B-19, E-20, E-21, E-22, E-23, E-24, E-25 and E-6. Those were the reason for his weak grip on the already withered affairs of the college. His effort to introduce a ameliorative reforms were baffled by the unscrupulous lobby of joint venture. This committee therefore recommends that his application A-4, E-15, E-16 and E-17 may be accepted and he may be issued NDC for the release of his commutation and pension according to spirit of FR-54A (Annexures A-6, E-18.1, E-18.2 and E-18.3). However, an affidavit on a judicial stamped paper be taken from him that if after any new minute scrutiny in future, any monetary misappropriation is found against him, recovery be made from him. In the instant case some penalties should befall him also.

RECOMMENDATIONS

In the light of above points, the committee recommends the following:

- i. Muhammad Rehman, Lab. Assistant stands the mega culprit. He may be got arrested for the recovery of the office record.
- ii. The Principal Fazal Wahid may be allowed commutation and pension benefit and an affidavit on judicial stamped paper offering the payment of any amount pointed out by the minute detail audit in future after the recovery of credible official record.
- iii. The concerned Accounts officer who dared to open the crossed cheques causing all this corruption may be penalized and inquiry to this effect be initiated against him.

Part A. GFP-Advance

The committee unanimously declares the amount viz, Rs. 1567500/- as reported by the Inquiry Committee comprising Mr. Muhammad Shafi, AAO, Salibzada, Senior Auditor and Mr. Baza Khan, Senior Auditor to be the actual amount. The recovery of the said amount along with interest accrued therein may be materialized as per detail given below:-

- | | | |
|--|-----|---|
| i. Mr. Muhammad Rehman, Lab. Assistant----- | 30% | ✓ |
| ii. The Distt. Accounts Officer, Malakand----- | 10% | ✓ |
| (during the period from 2008 and 2009) | | |
| iii. The Bank officer/official----- | 05% | ✓ |
| (during the period from 2008 and 2009) | | |
| iv. Mr. Muhammad Khalid, dealing clerk Directorate of Higher Education --- | 05% | ✓ |

Part B. Budget and special grants

The committee had gone through the embezzlement amount from Budget and special grants, etc., and recommends that:-

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- Committee:
1. Prof. Almust Khan, Principal, GDC, No. 1 AIL (Chairman)
 2. Prof. Ajmal Shah, Principal, GDC, Kamalabad (Member)
 3. Prof. Qudus Din, Principal, GDC, Lador (Member)

The report is submitted for perusal and necessary action please

- Mr. Zia ul Haq -----10%
- Mr. Hidayatullah -----10%
- Mr. Fazal Wahid -----10%
- Mr. Pervez Khan -----10%
- Mr. Muhammad Rehman -----10%
- Lab. Assail. -----50%

In order to estimate realization of pupils fund and Govt. fee, the experts from Budget, Accounts and Finance Branch of the Directorate of Higher Education may be directed to form joint committee of experts for exact strength of students daily admitted from 1st Year to 4th Year during the academic sessions starting from 2006 to 2011. This combined team should exchange students' affairs, board of the college, warden of the hostel and other members of the college administration during the unaided period. The committee may also be directed to visit period number of students admitted in the said period. The total amount so estimated may be added 10% extra for lunch off students and for those who did not take exam for other reasons. The difference between the genuine amount so estimated and that of Govt. fee deposited in Govt. treasury and pupils fund in the college account maintained in the bank, may be reconciled respectively. All the money estimated should be subjected to audit for expenditure made in the period 24-04-2006 to 30-06-2011. The doubtful amount not satisfying the team may be declared given against each.

- Mr. Zia ul Haq -----10%
- Mr. Hidayatullah Khan -----10%
- Mr. Fazal Wahid -----10%
- Mr. Fida Muhammad -----10%
- Mr. Pervez Khan -----10%
- Mr. Mohammad Rehman -----10%
- Lab. Assail. -----60%
- Senior Clerk -----05%
- Accounts officer -----05%
- IA-Principal -----05%
- IA-Principal -----05%
- IA-Principal -----10%
- IA-Principal -----10%

the amount so calculated may be recovered as per following detail:-
 Budget and Accounts Branch of the Directorate may be directed to calculate the total amount of budget and special grant allocated to the Agra (upto the period 2006-2011), and rate payable to Govt. for recovery of Govt. fee out of this.

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Annexure-D
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BETTER COPY Annexure Page - 22

To:

The principal,
GDC Agra (Malakand)

Subject:- Inquiry report / appeal for release of commutation and pension in respect of Mr. Fazal Wahid Ex-Principal GDC, Agra (Malakand).

Memo:

I am directed refer to the subject cited above to send herewith copy of the inquiry report and to ask you to take action on the recommendation at S. No. 1 of inquiry report under intimation to this directorate.

Deputy Director (Establishment)

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attached
M. J. Khan

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BETTER COPY of Annexure - J. Page - 23

To

The Director of Higher Education
Khyber Pakhunkhwa, Peshawar.

Subject:- Inquiry report / appeal for release of commutation and pension in respect of Mr. Fazal Wahid Ex-Principal GDC, Agra Malakand Agency .

Dear Sir,

Reference

This with Reference to your office memo No. 18308-10/CA-1/Estt: branch A-12/General misc proposal, No. 29038-10/CA-1/Estt; branch A-12/General misc proposal. No. 5634-36/10/CA-1/Estt: branch A-12/General misc proposal No and 400-02/10/CA-1/Estt branch A-12/General misc proposal: dated Peshawar the 31-08-2012, 21-12-2012, 06-03-2013 and 22-11-2013 whereby I as the chairmen along with two other worthy members were appointed as inquiry committee to probe in the subject matter by conducting fact finding inquiry aiming at formatting recommendations to be submitted to your good office for perusal and further necessary action, please.

Procedure:

With objective to reach the cogent conclusion the early inquiry reports, Audit records and other relevant documents were requisitioned and shushed, also all the concerned Officers/Officials were served with questionnaires to be filled with supportive documents, heard in person and were asked to give the statement in writing. The aggrieved Officers/Officials whose amount of GPF Advance drawn were asked to the applications. The college administration was repeatedly asked necessary assessment of the financial loss to the college/Govt. Exchequer may be inside. The ACE, Malakand was also requested to give the update with regard to the progress or the registered embezzlement complaint/case. No response from the ACE, Malakand and no missing record has so far recovered that really caused delay in the completion of the inquiry process.

With regard to different questionnaires served to and the correspondence made with various persons, Officers, Officials and Agencies, the following document were obtained which are indexed neordingly. Mr. Fazal Wahid, the principal retired, appellant for the release o his commutation and pension, filed reply to the questionnaire served to him along with its enclosure comprising 100 pages marked as (A-1 to A-86.3). Mr. Muhammad Rehman, lab Asstt: GDC Agra, Malakand Agency, the accused, filed his written reply consisting of pages marked (B-1 to B-11) in response to questionnaire served to hm. Mr. Zai ul Haq, Ex. Principal GDC Agra, Malakand Agency and now the principal of GPCC thmergura was also served with questionnaire whose reply along with enclosure containing 9 pages marked as C -1 to C-8 are taken into account. Some other related documents are collected by the inquiry committee itself e.g. (i) on its own, (ii) from the concerned college administration, (iii) from the office of directorate of higher education and the CPO, ect, (iv) pertinent finding from the already conducted inquiry and (v) previously carried out Audit reports. These documents are categorized and in judgment D-1 to D-9, E-1 to E-25 and G-1 to G-10.

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(34)

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Page - 24

Findings
GROUNDS:-

Brief Inquiry of Mr. Muhammad Rehman's involvement in ministry management (Dealing A/Cs members) during the terms of respective DDOs in clonnogiyal one.

1. Mr. Muhammad Rehman, Lab Assistant was transferred from Govt. College Alpuri, District Shangla to Govt. Degree College Agra, Malakand Agency vide Notification No. SO (College)-III-I/2003 dated Peshawar the 11/11/2003 (Annexure F-8). The principal / DDO at that time was Mr. Fazli Karam Khan.
2. Mr. Fazal Karim Khan Regular Principal with DDO Powers from 20/05/2000 to 11/11/2004, retired on 11/11/2001 (A-N) Audit was conducted on his retirement. He for the final time, inducted Mr. Muhammad Rehman, absolutely Assistant of Chemistry in accounts matters in place of accountant clerk.
3. Mr. Fazal Wahid, incharge Principal / DDO on the recommendations of Mr. Fazli Karim Khan from 25/08/2005, in his first tenure of office upheld the tradition and allowed Mr. Muhammad Rehman to continue his assignment amount other dealing with account matter as per practice in vogue thereof.
4. Mr. Fazli Ghafoor took over the charge as a regular Principal / DDO from 03/08/2005 to 23/04/2007 after Mr. Fazal Wahid who (Mr. Fazal Ghafoor retired on 23/04/2007 (A.N). he was inquired by Mr. Muhammad Rehman and reposed in him his full confidence and went to the extent that he wrote recommendation letter vide No. 245 dated 30/12/2006 (Annexure F-9) requesting the Director Higher Education for permanent adjustment of 1111 to senior clerk to act as colleague accountant internal audit by the Directorate of Higher education was done of the period from 13/11/2004 to 23/04/2007 on 23/26-04-2007 covering the period of Fazal Wahid and Fazal Ghafoor. The Audit team did not raise audit objection on dealing accounts matter by a laboratory assistant of chemistry, MR. Muhammad Rehman in the light of notification by the Directorate of Higher Education NWFP Peshawar, vide No. 20315/117/CA-VII/ESTT Branch dated 19/08/2003 (Annexure F-7). Had the audit team, at that time asked to follow the directive of the Director of Higher Education contained in (Annexure F-7) precluding a Lab Asstt: to deal with account matters this mega monetary corruption and the wealth of whole college record in the known history of the colleges would not have taken place. All the college financial record was taken away by Mr. Muhammad Rhman in the tenure period of Mr. Fazal Ghafoor apposedly with the consent of the then incumbent Mr. Fazali Ghafoor. The whole record of the college was perceivably brought from an unknown place to the college or the house of Fazali Ghafoor for the audit purpose d never brought back to the college after then. Reports of the college chokivar, senior clerk and different Principals are annexed as (Annexure A-39), D-1, D-2, D-3, D-4 & D-5.
5. Mr. Zia ul Haq 01/05/2007 to 28/02/2009 (About 1 year 10 months), succeeded Fazal Ghafoor. He did not take the charge of the office as principal / DDO in proper way, i.e. no formal handing / taking over on the official documents took place which was mandatory provision on the eye of relieving the outgoing officer, documents to be signed during handing over and taking over from one DDO to the other DDO amongst other are 1 cash book 2, Classified registers, 1 Govt. fee ii Private Fund, 3 stock registeres 1 selence spot etc ii General stock I Banla transaction I pass book ii Last day books.

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Statements 5 Hotels I Cash book ii Last day books statement etc etc. even after ascending the charge of the office, he adopted criminal silence and did not take timely affective medical actions needs to recover the missing record of the college. The college virtually remanded in the state of abeyance as well as company transactions were concened, due to missing of the college official record. The office record remained missing all along his tenure of Principalship / DDOship.

6. Mr. Hidayatullah Khan AP of Islamiyat from 01/03/2009 to 31/03/2009 (1 month only) relieved M. Zia ul Haq and took over the charge from him (Mr. Zia ul Haq) while he (Mr. Zia ul Haq) was transferred from GDC Agra to GDC Thana, on simple charge report sheet / performa. No obligatory formal handing over and taking over took place by singing j.e. putting signature of the relieved and relieving Govt. servants on necessary official documents because of the absence of official record in the college. Whereas the relevant record was remained missing. Solemn declaration, Affidavit (F-1) is referred.
7. Mr. Fazal Wahid 01/04/2009 to 10/05/2011, again took over the charge of DDO ship in 2009 in his accond term of office. From April 2009 to March 2010 one year period Military operation started to curb down emergency in Malakand Agency for that reason local population were displaced rather evacuated and sent to tents insulted at Mardan, Peshawar and Hazara. The manely was reached in March 200. During this period the area was in disorker. With the exception of two receipts annexed as Annexure (B-4, B-5 or A-42, A-11) nothing is available against Mr. Fazal Wahid in corruption / embezzlement case of GDC Agra. No report from the college authority or any other Govt. Agency is found against Mr. FAZAL Wahid. All the initial reports and preliminary investigation held/ Muhammad Rehman solely responsible for the grave offence, FIR No. Dated 8/9/2011 was exclusively registered with P.S ACE Malakand U/S 201/409/419/420/168/471/PRC & 5(2) P.C. Act (Annexure A-32) on the formal complaint of Prof. Abdul Hadi, the then Principal, GDC, Agra vide his letter No. 360 Dated 9/6/2011 (Annexure A-62 & A-53). Arrest warrant U/S 204 Cr.P.C, on the basis of FIR lodged against Mr. Muhammad Rehman, was issued by the worthy Civil JudgeBatkhala, (Annexure D-6, D-7 & D-8) however, no arrest hasyet been materialized and the accused still absconder. The accused is ordered by the worthy court of law to appear before the court under section 87 Cr.P.C (anne/xure A-59), the news t this effect was published in the daily AAJ Peshawar dated 18/07/2013, news clipping annexed as (Annexure D-9).
8. Mr. Hidyat ullah khan II-05-2011 to 24-07-2011 (1 month 20 days), again acted as Incharge principal/DDO. He as a matter of fact sandwiched the 2nd term of office of Mr. Fazal Wahid (01/04/2009-10/05/2011). He neither handed over the monclary documents to Fazal Wahid on 01/04/2009 nor taken over the lost documents from Mr. Fazal Wahid on 10/05/2011. This is clear and luid proof of the fact that the college record had never come in the custody of either Mr. Hidayatullah Khan or Mr. Fazal Wahid the status quo of objectionable, silence was maintained from Mr. Zia ul Haq to Mr. Hidayat Khan via Mr. fazal Wahid. The documents once taken away in the tenure of Mr. Fazal Ghafoor by Mr. Muhammad Rehman remained taken, allegedly taken away by him (Mr. Muhammad Rehmn) once these were allegedly taken away by Mr. Muhammad Rehman, Lab Assistant of chemistry of the college. Affidavit (F-1) referred again.

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Table for GPF Advances Al Raggedly with drawn

S. No.	Bill Passed vide token No. & date	Name of (Officers/Official) Subscriber	GPF Account No.	Amount with drawn	
1.	953. Date 17/01/2008	Mr. Shahab-ud-Din, Asstt: Prof. Economics	IV/Edn/Dn/378 9/CSS	Rs.60,000 /-	
2.	6125. Date 02/04/2008	Mr. Fazal Wahid Asstt: Prof. Chemistry	IV/C1- 1/Dn/2237/CSS	Rs.20,100 0/-	
3.	7538. Date 28/08/2008	Mr. Sher Muhammad Chokdar	IV/Edn/MK/33 32/CSS	Rs.25,500 /-	
4.	21303. Date 28/10/2008	Mr. Pervaz Khan Senior Clerk	IV/Edn/MKD/2 276/CSS	Rs.84,600 /-	
The Total amount of GPF Advance drawn during Mr. Zai ul Haq period comes out to be Rs. 374100/-					
5.	9335. Date 11/05/2009	Mr. Hadyat Ullah Asstt: Prof. of Islamiyat		Rs.30,8000/-	Mr. Fazal Wahid
6.	85. Date 16/09/2009	Mr. Shahab-ud- Din, Asstt: Prof. Economics		Rs.52,7000/-	Mr. Fazal Wahid
7.	25189 Date 01/10/2009	Zai Naib Naib Qasid		Rs.40,000/-	Mr. Fazal Wahid
8.	28179. Date 19/10/2009	Faqir Shahzada Mali		Rs.25,800/-	Mr. Fazal Wahid
9.	29578. Date 24/10/2009	Hakim zada Mali		Rs.20,000/-	Mr. Fazal Wahid
10.	80. Date 07/11/2009	Mr. Bahram Khan Asstt: Prof. of Pashto		Rs.21,3600/-	Mr. Fazal Wahid

In this way Muhammad Rehman was given a free hand in accounts matters and he become all and all in financial management. He started his misdeeds, gradually, Muhammad Rehman took advantage of connivance and tacit consent of Mr. Fazli Ghaoor, criminal negligence and purposeful silence of Mr. Zia ul Haq, behind faith and carelessness of Mr. Fazal Wahid and unconcerned posture and insufficient attitude of Mr. Hidayatullah Khan to move forward towards his corruption and civil designs. He also got corruption from accounts office and National Bank and some official of the Directorate of Higher Education. Thus he committed gross financial irregularities with impunity. Mr. Muhammad Rehman's clever moves to bring will accusations of receiving illegal gratifications (Bridges) against some officials of the Directorate of Higher Education and others from him (Annexure B-7 and B-8 and B-9) on one hand placed the alleged accused (Officials officers) to defense and on the other and confirmed the confession of sole involvement in the offence of financial misappropriation, embezzlement and corruption it also confine his total and individual responsibility to all financial damages.

The case should be handed over to FIA or ACE and all the college record should be retrieved from him, so that all the financial losses to the college/ Govt. Exchequer during the period w.e.f. 24/04/2007 to 30/06/2011 (04 years 02 months and 06 days) can be accused / estimated and recovered from him in due proportion.

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(37)

Page - 27

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- a) From 17/01/2008 to 28/02/2008 at was the some of Mr. Zia ul Haq During which The GFC Advance from S. No. 1 to S. No. 4 was drawn immediately.
- b) From 11/05/2009 to 07/11/2009, the tenure of Mr. Fazal Wahid at was the unblocked period due to Military operation on the area escualantly nothing was in place. All the GP Fund Advances from S. No. 5 to S. No. 10 was drawn during the declined period.
- c) The Audit of the period placed on block from 24/01/2007 to 01/08/2011 with centtel out due to the none availability of the available record on the college when he had been taken away by and too shall on the ordary of Mr. Muhammad Rehman.
9. Mr. Abdul Hadi 27/07/2011 to 09/01/2013, made all his monetary matters on the record maintained by Mr. Abdul Hadi.
- Audit of the period from 01/07/2011 to 31/07/2013 has been conducted by the audit party of the Directorate of Higher Education, Peshawar, covering the period of Mr. Abdul Hadi and Mr. Noor Zaman and the audit report is submitted to the Director. Higher Education for Information and necessary action. The names of the audit team were Mr. Fazli Rehman AD (A) and Mr. Fazli Rehman, Accountant.
- Out of two receipt produced by Muhammad Rehman and the same by Mr. Fazal Wahid bung with their reply of quastionary served to them.
- Mr. Muhammad Rehman produced two receipts of payment viz (B-4 to B-5) one of the month Rs. 1893000/- signed by Ex-Principal, Mr. Fazal Wahid and allegedly paid to him Fazal Wahi. Second receipt of the amount Rs. 865000/- allegedly paid to Mr. Parvez Khan senior clerk and attested by Mr. Fazal Wahid, Mr. Fazal Wahid produced the same two receipts annexed as (A-12 and A-13) with the claim that the receipts are bogus, the amount recorded on the receipts is fake and only the signature are genuine, which had been obtained on blank papers for the purposes to be used in connection with the communication and pension purpose, where the need be.
- Mr. Fazal Wahid obtained one column statement (Annexure A-64) and one affidavit on judicial stamp paper in support of his claim (Annexure A-65) stating ad affirming hi signature on the receipt to be genuine (Only the signature) but the statement was fake it was written afterwards. Similarly the dates and the places (Payment attached) were also fake and not written by him. According to Mr. Fazal Wahid, Mr. Muhammad Rehman came to his house and got blank papers signed for LPR and other uses the college is at a remote area and due to problems of transports and communication, this practice was in vogue, Mr. Parvez Khan also declared the receipt an his signature as forged and fake (Annexure F-2, 1 and F-2,2).
- It is indeed surprising that the whole amount of money Rs. 865000/- of Zia ul Haq's tenure kept with Mr. Muhammad Rehman, as this amount was neither given by Mr. Zia ul Haq to Mr. Hidayatullah at the time of transfer of charge nor was deposited in the college account of disbursed the due amount among the college staff accordingly. It was afterward give to Mr. Parvez Khan on 10/05/2011 which is the superannuation date of Mr. Fazal Wahid, if Muhammad Rehman could pay Rs. 1893000/- to Mr. Fazal Wahid, then why did he not pay Rs. 865000/- to the same person say Mr. Fazal Wahid or the portion amount of GPF Advances to the real owners (Officers and Officials) whose GPF Advances, has been drawn by him (Mr.

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Muhammad Rehman). The timings and facts are not in consonance with the events. Even if these receipts are supposed to be correct, the keeping of entrusted money with him (Mr. Muhammad Rehman) for such a long time is itself embezzlement & obtaining these kinds of receipts at such time itself tantamount to fraud. Had Mr. Fazal Wahid involved in such type of embezzled would corruption, there would have been no need of giving receipts or attesting the payment to third person for other's amount say Rs. 865000/-.

Therefore, the committee can safely declared the receipts contents to be bogus except signatures of Mr. Fazal Wahid which have been obtained fraudulently on the pretext of using for some other genuine purposes for which they were obtained. Hence Mr. Fazal Wahid and Mr. Pervez Khan may be absolved from burden and liability of both the receipts in question, being discreditable.

The period during which the college record including the college computer was taken away stolen and by whom criminal activities encashed.

As per solemn of the college Chowkidar Mr. Faqir Shahzada, verified by the other fellows class-IV servants, namely M/S Zair Nabi, Abid Hussain, muslim Khan, Zakir Hussain, Hakim Zada, Sahib Gul, Sadiq Khan and Mr. Parvez Khan, Senior clerk, attested by Mr. Abdul Hadi, former Principal and now a staff member and endorsed by the then Principal of the college Mr. Noor Zaman, the whole office record of the college and one computer, presumably containing the college record data in its memory, (A-78; D-3) was taken away out of the college by Mr. Muhammad Rehman Lab Assistant of the college in a private vehicle. According to the chowkidar (Faqir Shahzada) the forbad him (Muhammad Rehman) by dissuading him (Muhammad Rehman) objecting as to why he was taken away the college record, he (Muhammad Rehman) replied that the then Principal Mr. Fazali Ghafoor had allowed him to do the same. As he (the then Principal) was not present in the college at that time but when after a few days he came to the college the matter was reported to him in the presence of above mentioned class-IV employees and the senior clerk and that he had not returned the same to the college but to no avail.

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27/12/2008

Fazal Wahid
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Referred to the Director of Higher Education for thorough probe and remedial measures for future reference). Mr. Abdul Hadi in his tenure as Principal lodged formal complaint against Muhammad Rehman about the stealth of college record and gave the detail of documents taken away by him (D-S) Noor Zaman, the then Principal also gave his hand written statement endorsed by his predecessor Principal Mr. Abdul Hadi, stating that he took over the charge as the Principal of the college on 02.01.2012 and found the whole college record prior to 01.07.2011 missing and reported to have been taken away by one Muhammad Rehman and himself was continuously absent ever since he had taken over the charge (D-4). An FIR to this effect had been lodged by the then Principal. The case is proceeding in the court of law in which he is reportedly at large being absconder. (A-59, A-60, A-61; A-63; D6; D-7, D-8 & D-9). Recently the setting Principal has also tried to get registered a fresh FIR against Muhammad Rehman Lab Assistant in Post Commander, Levies Post Agra, demanding the recovery of college record mentioned in the application Vide No. 354 dated 23/11/2013. (D-4 & D-2).

The whole of the information sources to whom we consulted, unanionomously and consistently the all honestly and beyond reasonable doubt, confirm that the college official record had definitely been taken away by Mr. Muhammad Rehman, Lab Assistant of chemistry of the college and that he is unenionomously absent from his duties.

The detailed estimate of ambezzled money in various hands including GPF Advance as collected from all available sources of information.

The detail of the GPF, Advance amount annual as fraudulently drawn and embezzled pointed out by various inquiries conducted so far is specified as follows.

1. On the basis of intioal report submitted to the Anti-corruption Establishment Malakand and preliminary investigation made by the ACE, Malakand on 08/05/2011, the amount embezzled viz GPF Advance is Rs. 767900/- and that of other embezzlements Rs.420600/- collectively Rs. 1188500/- was shown. Copies of the FIR and investigation report are placed at annexure (A-62 and A-63).
2. After giving thorough the fact finding inquiry report compiled by Mr. Fazali Subhani, Principal GPGC Dargai, Malakand the committee got the information about amount embezzled by Mr. Muhammad Rehman is as follows. In GPF Advance Rs. 1332400/- and in other hands 811600/- accumulatively Rs. 2144000/- (inquiry report is available in the office of DHE).
3. inquiry report prepared on 08.08.2011 by Mr. Shafi, Assistant Accounts Officer, Mr. Sahibzada Shehryar, Senior Auditor and Mr. Essa Khan, Senior Auditor regarding GPF advance embezzlement/fraud in DAO malakand and found the amount embezzled in GPF advance only is Rs. 1303500/- and the report is silent about rest of the embezzlements. This report gives no reference of the other amount under different relevant heads (Report is available in the officer of DHE).
4. Mr. Muhammad Rehman and Ex-Principal, Mr. Fazli Wahid, both have produced two number of receipts, (Exhibited as B-4 and B-5; A-11) by former for certification of payment and by later for rebuttal/denial of receipts farming them being fake respectively. The amount shown therein is Rs. 1893000/- signed by the Ex-Principal Mr. Fazal Wahid and Rs. 865000/- by Mr. Pervez Khan senior clerk and attested by Mr. Fazal Wahid, thus making gross total amounting to Rs. 2758000/-.
5. As far as GPF advances are concerned the net amount assessed on the basis of written applications filed by the effectees and forwarded by the principal, under his endorsement No.136 dated 08/04/2013 along with enclosure as annexed as annexure G-1 to G-10 to be Rs. 1535900/- and rest of the amount cannot be credibly ascertain due to the non availability of the authentic record.

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After examining the different availed audit reports the monetary part of which are produced as above all give the different accounts of amounts so embezzled b Mr. Muhammad Rehman, Lab Assistant of Chemistry at GDC Agra, Malakand Agency.

There is no match in the amounts however, the receipts produced by Mr. Muhammad Rehman and claimed to have been paid to Mr. Fazal Wahid Ex-principal and Mr. Pervez Khan senior clerk may be seen as sort of self confessional amount on the part of Mr. Muhammad Rehman which is somewhat close to the time of actual embezzlement amount.

There is no office record of any transaction made during the period from 24/04/2007 to 30.6.2011. this is also reflected in audit report dated 10.12.september, 2013 submitted by Mr. Fazali Reman Assistant Director Audit and Assistant Auditor Mr. Fazli Subhan, Directorate of Higher Education Peshawar. (Audit report is available in the officer of DHE).

The above mentioned amounts vary therefore irreconcilable and none of hem can be suitably proved authentic or otherwise in the absence of authentic relevant record. Moreover, the above amounts partially indicate the detail of MRC's A.C bills claimed and drawn plus the amount of TA/DA and charcoal allowances besides GPF Advances, so it becomes imperative first recover the record from Mr. Muhammad Rehman, Lab Assistant through law enforcing agencies would thereafter authenticate the record, estimate the amount in question and take into account through experts in the field of Budget, Audit and Accounts of the Directorate of Higher Education for recovery purpose.

During the period w.e.f 24.04.2007 to 30.06.2011, five regular annual fiscal budget and special grants viz

1. 01-07-2006 to 30-06-2007 (from 24-04-2007 to 30-06-2007)
2. 01-7-2007 to 30-06-2008
3. 01-07-2008 to 30-06-2009
4. 01-07-2009 to 30-06-2010
5. 01-07-2011 to 30-06-2011

were allowed and released to G.D.C Agra Malakand agency which have/had been supposedly utilized by the various incumbents, and no order was carried out for the above period.

The regular annual budget and the special grants for the financial year 2006-07 was spent by Mr. Fazali Ghafoor as the Principal/DDO. The departmental audit was conducted up to 23.01.2007, the date of his retirement. Further audit from 24.04.2007 to 30.6.2011 could not be conducted for the various reasons. During the period the regular budgets and special grants were utilized or supposed to be utilized by the concerned DDO's or in charge Principals whose details is given below.

Mr. Zia ul Haq.

1. From 24.01.2007 to 30.6.2007; 2 months and 6 days from the remaining budget special grants allocated for the year 2006-07.
2. Full budget and special grants allocation for the year 2007-08.
3. From 1.07.2008 to 28-02-2009; 8 months out of the regular budget and special grants for the year 2008-09.

Mr. Hidayatullah khan

From 04/03/2009 to 31/03/2009, one month the college remains under the control of Mr. hidayatullah, therefore one month expenditure out of 2008-09 regular budget and was special grants was supposed to be supervised by mr. Hidayatullah khan.

Mr. Fazal Wahid.

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As far as pupils fund and Govt: fee collected by the admitted students, all kinds of scholarships, donations and endowments etc during the period not audited from 21.01.2007 to 21.6.2011 are concerned, it cannot be calculated without the availability of the credible official and which has allegedly been taken away by Mr. Muhammad Rehman, Lab Assistant of the college.

The rules of the District Accounts Office Malakand and that of the related Bank Branches of the embezzlement by Mr. Muhammad Rehman.

The committee started to discover how the cheques issued to various Officers/officials would be encashed for GPF advances amount from the bank unless they were opened by the accounts officer and verified by the dealing employees of the bank, who processed the cheques crossed cheques were opened which made withdrawal possible. Had the cheques not opened there were lease chances of amount could have been drawn. It means the District Accounts officer, Malakand was in league with Mr. Muhammad Rehman and to certain extent, the dealing employees, through whom, the cheques were processed and the related Bank officers and officials specially the cashier who finally made payment seem accomplice.

The ugly business of GPF Advances extraction of the following officers/officials started the tenure time of Mr. Zia ul Haq's Pricipal ship/DDO ship.

- 1) Prof. Shahab Ud Din, Initially Rs. 60000/-.
- 2) Prof. Fazal Wahid who later on became principal and now retired Rs. 20,1000/-.
- 3) Mr. Sher Muhammad College Chowkidar Rs. 25,500/- or Rs. 30000/-.
- 4) Mr. Pervez Khan Senior clerk Rs. 8,1600/- of Rs. 88600/- which were taken out/drawn in January, April, August and October of 2008 by fraud.

The Accounts officer Malakand should have issued balance sheets on time. In that case concerned people and

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Couples of general would have come to know about it and the money loss would have been avoided. The money drawn would have been made in pay to the real owners. And this ugly business would have come to a stop. People would have become conscious and careful, similarly extraction of GPF Advance of others by fraud and engulf would not have been possible. In this way the college and the Government Ex-exchequer would have been saved from losses. So the accounts officer by not starting deduction of the due installments and no nominee of balance sheets at right time kept the concerned subscribers in dark of withdrawal of their GPF advances. Consequently the fraud continued without check, and entered in the tenure should of Mr. Fazal Wahid via Mr. Hidayatullah who also remained unaware of his own GPF advance and all other ugly business going on all along and all around his tenure, though his was ambulant period due to Swat Military operation against insurgency. In this way the accounts officer not only showed negligence from his official duty but also became part of the ugly business indirectly. Bank officers/officials also showed carelessness which tantamount to neglect of duty. This fraud did not face any resistance at an step. In this regard SMS,s and applications of Mr. Muhammad Rehman were worth noticing which from weighty nexus. Therefore this committee consider the Accounts officer and his GPF related staff equally responsible and can be held accountable and also shows its regret at related Bank officers/officials. It is very astonishingly for the inquiry committee to observe that the fraudulent draws of GPF advances started w.e.f January, 2008 and continued unabated to November 2009. Neither the reductions of the necessary installments from the salaries of the concerned subscribers were made nor were the balance sheets of their GPF ever issued in due course of time. But the sooner in the leakage of information about the embezzlement and corruption, the Director Higher Education appointed Mr. Fazli Subhani, the Principal GPGC Dargai Malakand Agency for the inquiry of the matter on 20/6/2011 vide No. 16232/CA-VII/Estt; Branch dated Peshawar the 20.6.2011 the very next day i.e 21.6.2011 the corresponding process was initiate/activated by the DAO Malakand by issuing a letter No. DAO/MKD/Fund/2010-11/2445 dated 21.6.2011 to the Principal GDC Agra, Malakand Agency (copy not traceable) about the matter in question, followed by two more such letters o. DAO/MKD/FUND/2010-11/3534-35 dated 12/07/2011 (annexure-E2) and No. DAO/MKD/G4/2011-12/3562-65 dated 16/07/2011, annexure- E-3) vividly in quick succession in response to a joint application moved by i. Mr. Hakim Zada Mali, ii. Mr. Zair Nabi Naib Qasid and iii. Mr. Pervez Khan, Senior Clerk requesting for the stoppage of GPF Advance recoveries installments (Annexure E-1) which indicates close and live co-ordination of network amongst various circle against a poor principal/DDO rendering him (Principal) ignorant and helpless.

CONCLUSION

Mr. Muhammad Rehman had been working from 2001 to 2011 as accounts clerk instead of lab Assistant. He has been too clever and crafty person requires bold shrewd and extremely vigilant DDO. The officers of the education department are normally of compromising attitude and repose trust in their subordinates and do not harbor bad opinion about them. The clever and crafty take undue advantages of their simple nature. What should a principal/DDO do when accounts office and other relevant offices and the bank management help such a crafty man against the DDO. Taliban unrest in the area also facilitate the crafty characters to take undue advantages. Mr. Rehman's indulgence in corrupt practices is also evident from his receipt, SMS's records produced by Mr. Fazal Wahid and cheques issued to some officers/officials and forgot entry of Fazal Wahid (Annexures A-13, A-44, A-15, B-10, B-11, A-16, A-17, A-86.2, A-86.3 and A-48). The cross cheques were deliberately and

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Purposefully opened which resulted in withdrawal GPF advances, Govt: grants from the treasury and the banks. In this way account officer Malakand and only want against the call of his duty dictating him to follows rules and regulation but become part of fraud, the bank officials and officers also acted without cautions and prudence. Therefore this committee regards the account officers and the concerned officials as partner in the crimes and also shows utter regrets at the responsible believers of the bank officers and officials.

All the college financial documentary record was taken away from the college by Muhammad Rehman in the team of Mr. Fazal Ghafoor with presumably collusion and consent of the incumbent, Mr. Fazal Ghafoor. He connived with Muhammad Rehman and did not take serious steps to recover the lost record by evolving right strategy necessary for the safe return of record bank to the college. He as a matter of fact laid the foundation of fearless corruption.

Mr. Zia ul haq showed criminal silence and put certain crimes committed by Mr. M. Rehman. He did not take prompt action to force Muhammad Rehman to bring back stolen documentary record. His timely action would have saved the whole debacle. This ugly business would have been stopped at early stages. He could have claimed the main character Muhammad Rehman and other affecters viz, officers/officials of accounts office, Directorate office and the banks. In this way the college and the public Ex-checker would have been saved run further damages.

Mr. Hidayatullah khan had responsibility of taking the charges twice. He also remained all of the senior members for a long time. He deliberately did not play his due rule as a Govt: officer for the stoppage of the ongoing crimes. He played the rule of a silent spectator which amounts to the betrayed of the responsibilities of a Govt: officer the management of Govt: rust, which the Govt: reposes in its gazetted officer as employer.

The committee agrees with the contents of the applications of the notable of the area namely Haji Noor Zamin Khan CNIC No. 15402-1425385-9, Haji Bahri Karam CNIC No. 15401-8983435-5 and Haji Raidad Gul CNIC No. 15402-9511134-5 (Annexures E-4.0 and E-14) also (Page No. 31 and 45 and 48-50 of Mr. Subhani's Report) filed with Mr. Fazli Subhan, the Principal GPGC Dargai, Malakand Agency that Mr. Fazal Wahid is a simple, pious and an Innocent man. He is as well not involved in the embezzlement/corruption but is tactfully trapped in the corruption scandal a drama staged by the real character/perpetrators. Some references are of paramount importance (Annexures A-6.1, E-5, E-6, E-7, E-8, E-9, E-10, E-11, E-12, E-13 and E-19. The irony of fate/circumstances is given him enough punishment in the form of suspension of release of commutation and pension for such a long time. He misfortune that despite several attempts he could not get transferred to the Govt: postgraduate Jehanzeb College, Sadu Sharif, Swat (Annexures A-15, A-16, A-18 and A-19) and had to retire from the same very college after reaching the superannuation. There were extraneous circumstances for his failure to effectively control the management, such as the sooner he assumed the charge of principal/DDO, many operations started and continued for about one year in his tenure. Also during his tenure he met different fatal accidents due to that his health broke down and he became physically handicapped thus inactive. The college lies at a remote mountainous terrain with different approachability and not easily communicable. Consequently it became not possible for him to travel all along to different officer and keep himself abreast with routine development. The letters he used to writ to the Director of Higher Education were not allowed to reach their destination because of erecting a strong wall around him. This wall delivered news blackout due to the creation of communication gap between the college and the Directorate of Higher Education. Once he himself visited D.H.E, Peshawar with (19) pages written report/documents aimed to summit directly and discuss verbally in detail with the Director of Higher Education

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But unfortunately could not meet the Director of Higher Education as he had gone to Kohat on official visit, When Fazal Wahid came to know about the mismanagement of the money corresponding are found on the record that he did struggle to save the system from further deterioration. Authorities once issued to Muhammad Rehman to deal with D.A.O Banks and the treasures were cancelled and Muhamad Rehman was issued many letter for return of official documents in his custody and the money he had drawn fraudulently and illegally kept with him. Fazal Wahid tried to intimate the higher authority for the state of affairs and solicited for the joint strategy to be evolved to curb menace. The letters written to the DAO Malakand and the related link were proved ineffective (Annexures A-5, A-12, A-21, A-22, A-23, A-24, A25, A-26, A-27, A-40, A-69, A-74, A-76, A-77, A-78; B-3, B-19, E-19, E-20, E-21, E-22, E-23, E-24, E-25 and E-26. Those were the reason for his weak grip on the already withered affairs of the college. His effort to introduce a ameliorative reforms were battled by the unscrupulous lobby of joint venture. This committee therefore recommends that his application A-1, E-15, E-16 and E-17 may be accepted and he may be issued NDC for the release of his commutation and pension according to spirit of FR-54-A (Annexure A-6, E-18.2 and E-18.3). However an affidavit on a judicial stamp paper be taken from him that I after any new minute scrutiny in future any monetary misappropriation is found against him, recovery be made from him. In the instant case some penalties should be fall him also.

RECOMMENDATIONS

In the light of above points, the committee recommends the following.

- i. Muhammad Rehman, Lab Assistant stands the mega culprit. He may be got arrested for the recovery of the office record.
- ii. The Principal Fazal Wahid may be allowed commutation and pension benefit and an affidavit on judicial stamp paper offering the payment of my amount pointed out by the minutes detail audit in future after the recovery of credible official record.
- iii. The concerned Accounts officer who dared to open the crossed cheques causing all this corruption may be penalize and inquiry to this effect be initiated against him.

Part A. GPF-Advance

The committee unanimously declares the amount viz, Rs. 1508500/-as reported by the enquiry committee comprising Mr. Muhammad Shafi, AAO, Sahibzada, Senior Auditor and Mr. Essa Khan, Senior Auditor to be the actual amount. The recovery of the said amount along with interest accrued therein may be materialized as per detail below:-

- | | | |
|------|---|-----|
| i- | Mr. Muhammad Rehman, Lab, Assistant..... | 50% |
| ii- | The District Accounts Officer, Malakand..... | 10% |
| | (during the period from 2008 and 2009). | |
| iii- | The Bank Officer/official..... | 05% |
| | (during the period from 2008 and 2009). | |
| iv- | Mr. Muhammad Khalid, dealing clerk Directorate of higher education... | 05% |

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Part B- budget and special grants

The Committee had gone through the embezzlement amount from budget and special grants, etc, and recommended that:-

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Budget and accounts branch of the Directorate may be directed to calculate the total Rules of budget and special grant allocated to GC Agra for the period (2006-2011), the amount so calculated may be recovered as per following detail:-

i-	Mr. Fazal-i-Ghafoor,	Ex-principal.....	10%
ii-	Mr. Zia ul haq	Ex-principal.....	10%
iii-	Mr. Hidayatullah khan	Ex-principal.....	05%
iv-	Mr. Fazal Wahid	Ex-principal.....	05%
v-	Mr. Fida Muhammad	Accounts Officer ...	05%
vi-	Mr. Pervez Khan	Senior Clerk.....	05%
vii-	Mr. Muhammad Rehman	Lab Asstt:.....	10%

Part C. pupils fund and Tuition/Admission/Hostel fee

Order to estimate realization of pupils fund and Govt: fee the experts from Budget, Accounts and the Audit Branches of the Directorate of Higher Education may be directed to form joint censure and visit GDC, Agra to search for exact strength of students duly admitted from 1st year 4th year during the academic sessions starting from 2006 to 2011. this combined team should meet members of admission committees constituted during different academic sessions, Incharge students affairs, bursar of the college, warden of the hostel and other members of the college administration during the unedited period. The committee may also be directed to visit concerned BISE and the university to find out the exact numbers of students registered for that period and took exams; Result gazettes from 2006 to 2011 be consulted for cross checking of actual member of students admitted in the said period. That total amounts. so estimated may be added 10% extra for struck off students and for those who did not take exam for other reasons.

The difference between the genuine amount so estimated and that of Govt: fee deposited in Govt: treasury and pupils fund in the college account maintained in the bank may be reconciled respectively. All the money estimated should be subjected to audit for expenditure made in the period 24.4.2006 to 30.6.2011. the the doubtful amount not satisfying the team may be declared as amount embezzled and be received from the following effect/official as per percentage ratio given against each.

i-	Mr. Fazal-i-Ghafoor,	Ex-principal.....	10%
ii-	Mr. Zia ul haq	Ex-principal.....	10%
iii-	Mr. Hidayatullah khan	Ex-principal.....	10%
iv-	Mr. Fazal Wahid	Ex-principal.....	10%
v-	Mr. Pervez Khan	Senior Clerk.....	10%
vi-	Mr. Muhammad Rehman	Lab Asstt:.....	50%

The report is submitted for perusal and necessary action please.

Committee:-

1. Prof: MMunsif Khan
Principal, GPGCm No.1 AJD (Chairman)
2. Prof: Ajmal Shah
Pricipal, GDC, Khairabad (Mardan) (Member)
3. Prof: Qutbud Din
Principal, GDC, Lahor (Swabi) (Member)

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M. J. Khan

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(Annexme-E)

DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.
Phone # 091-9211025; 091-9210242. Fax # 091-9210242

Dated Peshawar, the 13/9/2011.

SUSPENSION ORDER.

Consequent upon Embazzlement/Fraudulant Drawal and mis-appropriation at Govt; Degree College, Agra (Malakand Agency), Mr. Muhammad Rahman Laboratory Assistant is hereby suspended wef 09.06.2011 till termination of proceedings/case.


He is allowed to draw subsistence allowance as permissible under FR 54.

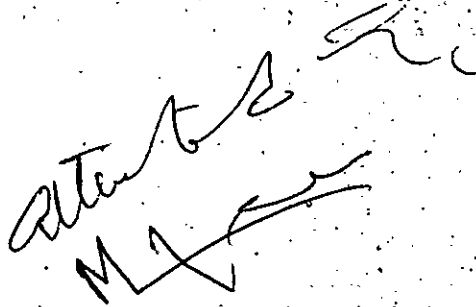
(Prof; Ghulam Qasim Marwat)
DIRECTOR HIGHER EDUCATION

Estt; No. 2011/907-10 /A-167/CA-I/Estt; Branch.

Copy of the above is forwarded for information & necessary action to the:-

- 1) Principal Govt; Degree College, Agra (Mkd; Agency).
- 2) Agency Accounts Officer, Malakand.
- 3) Assistant Director (A/Cs), local Directorate.
- 4) Official concerned.


DY, DIRECTOR (ESTABLISHMENT)





(47) (Annexure-F)
**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR**

Phone # 091-9210242, 9211025/Fax # 9210215

Dated Pesh the 03/8/2016

OFFICE ORDER

Whereas, Muhammad Rehman, Lab. Assistant, GDC, Arga(MKD Agency), was proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 for his involvement in embezzlement and his willful absence from duty w.e.f 23.08.2010.

2. **AND Whereas**, Prof. Dr. Fazal Subhani, Principal GPGC, Dargai(MKD Agency), Prof. Munsif Khan, Principal, GPGC No.1, Abbottabad, Prof. Ajmal Shah, Principal GDC, Khairabad(Mardan) and Prof. Qutbudin, Principal GDC, Swabi were appointed as Inquiry Committee to conduct inquiry against the accused official, for the charges levelled against him in accordance with the rules.

3. **AND Whereas**, the Inquiry Committee after having examined the charges evidence on record of the accused official has submitted the report, wherein the committee recommended to recover the embezzled amount of Rs.41,68,355/- from him, but instead of depositing the amount in question, he remained willfully absent from duty w.e.f 23.08.2010 till date.

4. **AND Whereas**, the Director, Higher Education, Khyber Pakhtunkhwa after having considered the charges, evidence on record found him guilty for willful absence from duty.

5. **NOW, THEREFORE**, in exercise of the powers conferred under Rules-4 of Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011, The Director, Higher Education, Khyber Pakhtunkhwa is pleased to impose major penalty of "Removal from service" upon Mr. Muhammad Rehman Ex-Lab. Assistant, GDC, Arga(MKD Agency) of the charges levelled against him.

20612-14
Endst. No _____ / CA-VII/Estt. Branch

**DIRECTOR, HIGHER EDUCATION
KHYBER PAKHTUNKHWA**

Copy of the above is forwarded to the:-

- 1) Principal GDC, Arga(MKD Agency) w/r to his letter No.509 dated 13.06.2016 with the remarks that as per recommendation of the inquiry committee a sum of Rs.41,68,355/- on account of embezzled amount of drawl of GP fund of the staff of GDC, Arga(MKD) is outstanding against the above mentioned official which may be recovered from him through District Administration.
- 2) District Accounts Officer Malakand.
- 3) Mr. Muhammad Rehman, Ex-Lab. Assistant, GDC, Arga(MKD Agency).

Attended
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DY: DIRECTOR (ESTABLISHMENT)

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(Annexure - G)

بخدمت جناب سیکرٹری ہائیر ایجوکیشن، صوبہ خیبر پختونخواہ، پشاور

عنوان:

محکمہ اہل بر خلاف حکم نمبر: 20612-14/CA-VII/Est:

Branch مورخہ 03/08/2016 مجاریہ ڈائریکٹر ہائیر ایجوکیشن، صوبہ

خیبر پختونخواہ، پشاور۔

جناب عالی! مؤدبانہ گزارش ہے کہ سائل مسی محمد رحمن ولد امر وکان ساکن الپوری ضلع شانگلہ کا مستقل باشندہ

ہوں اور 08/12/1994 کو گورنمنٹ ڈگری کالج چکیر ضلع شانگلہ میں لیبارٹری اسٹنٹ کے پوسٹ پر بھرتی ہوا تھا۔ اور

پھر 1998 کو گورنمنٹ ڈگری کالج چکیر کالج شانگلہ سے گورنمنٹ ڈگری کالج الپوری ضلع شانگلہ کو ٹرانسفر ہوا تھا اور پھر

1998 سے فروری 2004 تک گورنمنٹ ڈگری کالج الپوری ضلع شانگلہ میں اپنا ڈیوٹی سرانجام دے رہا تھا۔ اور پھر مارچ

2004 میں گورنمنٹ ڈگری کالج الپوری ضلع شانگلہ سے گورنمنٹ ڈگری کالج آگرہ ملاکنڈ ایجنسی کو ٹرانسفر ہوا تھا۔ تو سائل

نے مارچ 2004 میں گورنمنٹ ڈگری کالج آگرہ ملاکنڈ ایجنسی میں چارج لیا۔ اور اپنا ڈیوٹی گورنمنٹ ڈگری کالج آگرہ

ملاکنڈ ایجنسی شروع کیا۔ اور پھر سائل نے 2004 سے مئی 2011 تک اپنا ڈیوٹی گورنمنٹ ڈگری کالج آگرہ ملاکنڈ ایجنسی

میں اچھا طریقے سے سرانجام دے رہا تھا۔ کہ اس دوران یعنی مئی 2011 میں سابق پرنسپل فضل واحد نے ایک سازش اپنا

ذاتی مقاصد اور ذاتیات اور کچھ لوگوں کے سازش پر سائل کا تنخواہ بغیر کوئی قانونی کارروائی اور رولز کے خلاف بند کر دیا تھا۔ تو

سائل نے اسی وقت پر ڈائریکٹر ہائیر ایجوکیشن (کالجز) خیبر پختونخواہ، پشاور کو ایک اپیل سابق پرنسپل فضل واحد اور کچھ لوگوں

کے خلاف کر دیا ہے جو ریکارڈ پر موجود ہے۔ لیکن ڈائریکٹر ہائیر ایجوکیشن (کالجز) خیبر پختونخواہ، پشاور نے سائل کی اس اپیل

پر کوئی کارروائی نہیں کی تھی۔ کیونکہ اس کی اصل وجہ یہ تھی کہ ڈائریکٹریٹ کے کچھ لوگ سابق پرنسپل فضل واحد کے ساتھ ملے

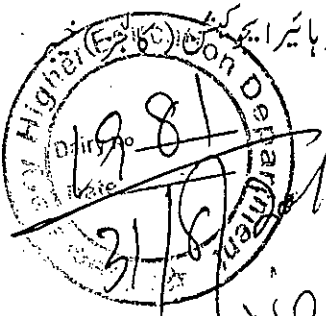
ہوئے تھے۔ اور سائل کے خلاف اکھٹا سازش کر رہے تھے۔ تو اس کے بعد سابق پرنسپل فضل واحد نے اپنا ذاتی مقاصد اور

ذاتیات اور ان لوگوں کے سازش پر سائل کو ہر قسم کے نقصان پہنچانے کیلئے ہر قسم کے حربے اور طریقے استعمال کر رہے تھے تو

پھر سابق پرنسپل فضل واحد نے مزید سائل کو نقصان دینے کیلئے ایک بے بنیاد غیر قانونی اور رولز کے خلاف ایک اور FIR

مقدمہ درج کر دیا تھا۔ تو پھر سائل نے اسی مقدمہ اور FIR کے خلاف اور سابق پرنسپل فضل واحد کے خلاف ڈائریکٹر ہائیر

ایجوکیشن خیبر پختونخواہ، پشاور اور دوسرے بلوائیوں کو بار بار اپیل کرتے رہے لیکن نہ ڈائریکٹر ہائیر ایجوکیشن



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پختونخواہ پشاور نے اور نہ دوسرے افسروں نے سائل کی ایک اپیل پر قانون اور رولز کے مطابق کوئی کارروائی کی تھی اور اس طرح سارے کارروائی سائل کے خلاف یکطرفہ اور قانون اور رولز کے خلاف ہو رہی تھی۔ اس کے بعد ڈائریکٹریٹ والوں نے بھی ایک سازش پر اور قانون اور رولز کے خلاف بغیر کوئی قانونی کارروائی کے بغیر سائل کا پینشن آرڈر جاری کر دیا تھا۔ اور 09/06/2011 سائل کو suspend کر دیا تھا۔ جو ریکارڈ پر موجود ہے۔ لیکن قانون اور رولز 2011 میں 180 suspension period دن سے زیادہ نہیں ہوتا ہے۔ لیکن سائل کا پینشن آرڈر کیس کے فائل فیصلہ تک کر دیا تھا۔ اور قانون اور رولز میں FR-54 کے تحت suspension period میں سرکاری ملازم کو تنخواہ ملتے رہے گا۔ اور سائل کا suspension آرڈر میں بھی رولز FR-54 کا حوالہ دیا ہے۔ کہ سائل کو suspension period میں رولز FR-54 کے تحت تنخواہ ملے گی۔ لیکن اس کے باوجود سائل کو ابھی تک کوئی تنخواہ نہیں دی گئی ہے۔ تو یہ سارے سائل کے ساتھ ذاتیات اور ایک سازش پر قانون اور رولز کے خلاف ہو رہا تھا۔ تو سائل نے بار بار اپیلز اور درخواستیں ڈائریکٹر ہائیر ایجوکیشن خیبر پختونخواہ، پشاور اور بالا افسران کو کرتے رہے تو آخر کار سیکرٹری ہائیر ایجوکیشن خیبر پختونخواہ، نے 3 سال بعد اس کیس میں انکوآری کمیٹی بنائی۔ تو جب سائل کو متعلقہ انکوآری کے بارے علم ہوا تو متعلقہ انکوآری کمیٹی ڈائریکٹریٹ والوں نے اپنی مرضی کے مطابق بنائی ہوئی تھی۔ کیونکہ اس کیس میں ڈائریکٹریٹ والے لوگ سابق پرنسپل فضل واحد کے ساتھ شامل تھے۔ تو وہ سب کچھ اپنا آپ کو بچانے کیلئے کر رہا تھا۔ اور سائل کو ہر قسم کے نقصان پہنچانے کیلئے ہر قسم کے حربے استعمال کر رہے تھے۔ تو سائل نے اس انکوآری کمیٹی کے خلاف سیکرٹری ہائیر ایجوکیشن خیبر پختونخواہ کو متعلقہ انکوآری کمیٹی کے خلاف اپیل کر دیا تھا۔ جو ریکارڈ پر موجود ہے کہ یہ انکوآری کمیٹی ٹھیک نہیں ہے۔ اور یہ انکوآری کمیٹی منصفانہ تحقیقات نہیں کر سکتا ہے۔ تو آپ صاحبان سیکرٹریٹ لیول کے افسران سے انکوآری کمیٹی بنائی جائے۔

لیکن سیکرٹری ہائیر ایجوکیشن نے سائل کی اپیل پر کوئی کارروائی نہیں کی تھی۔ اور متعلقہ انکوآری کمیٹی اپنا جگہ پر برقرار رہی تو پھر متعلقہ انکوآری کمیٹی ڈائریکٹریٹ والوں کے کہنے پر اور اپنا مرضی پر انکوآری کر رہا تھا۔ اور اپنا نام پاس کر رہا تھا۔ کیونکہ انکوآری مارچ 2013ء سے شروع ہوا۔ پھر انکوآری کمیٹی خاموش ہوئی اور دسمبر 2013ء یعنی 05/12/2013 میں سائل کے خلاف ایک بے بنیاد، غیر جانبدار اور رولز کے خلاف ایک اور FIR درج کر دیا تھا کہ سائل کو اپنا دفاع کرنے کیلئے سارے راستے بند ہو جائے اور پھر انکوآری کمیٹی خاموش ہوئی۔ اس کے بعد پھر سائل کو 2 سال بعد یعنی 16/07/2015 پر ایک لیٹر جاری کیا تھا کہ سائل کے ذمہ اتنا رقم واجب الادا ہے۔ یہ رقم سائل جمع کریں۔ تو پھر سائل

نے اس لیٹر اور انکو آری کمیٹی کے خلاف ایک اور اپیل سیکرٹری ہائیر ایجوکیشن خیبر پختونخواہ کو کر دیا تھا۔ کہ یہ لیٹر بھی بوجس اور ایک سازش پر اور ڈائریکٹریٹ والوں نے خود تیار کیا ہوا ہے۔ اور انکو آری کمیٹی والوں نے تیار نہیں کی ہے۔ کیونکہ اس لیٹر پر کسی کے دستخط نہیں ہے۔ اپیل ریکارڈ پر موجود ہے تو پھر ڈائریکٹریٹ والے خاموش ہوئی۔ اور سیکرٹری نے بھی سائل اس اپیل پر خاموش اختیار کی تھی۔ کہ اس دوران یعنی جنوری 2016 میں سائل نے اپنا گرفتاری دے کر جیل چلا گیا۔

اور پھر مارچ 2016 میں پشاور ہائی کورٹ میٹورہ بیٹج/ادالا القضاء سوات نے سائل کو ضمانت دے دی۔ تو جب سائل جیل سے رہا ہوا تو پھر ڈائریکٹریٹ میں اپنا رپورٹ کر دیا کہ سائل کا غیر قانونی اور رولز کے خلاف کئے ہوئے پینشن ختم کریں اور ساتھ میں سائل کا تنخواہ جاری کریں لیکن ڈائریکٹر ہائیر ایجوکیشن (کالجز) خیبر پختونخواہ پشاور نے سائل کی درخواست پر کوئی قانونی کارروائی نہیں کی تھی۔ اور پہلے کی طرح خاموشی اختیار کی تھی۔ تو پھر سائل نے اپنا غیر قانونی اور رولز کے خلاف کئے ہوئے پینشن کے خلاف اور اپنا تنخواہ جاری کرنے کیلئے پشاور ہائی کورٹ میٹورہ بیٹج/ادالا القضاء، سوات میں رٹ پٹیشن دائر کر دیا جو ابھی تک چل رہا ہے۔ تو اس کے بعد سائل نے پھر ڈائریکٹر ہائیر ایجوکیشن (کالجز) خیبر پختونخواہ، پشاور کو 10/06/2016 ایک اور درخواست دے دی کہ قانون اور رولز کے FR-54 کے تحت سائل کا تنخواہ جاری کرنے اور پینشن ختم کرنے کا احکامات جاری کریں۔ اور درخواست کے ساتھ رٹ پٹیشن میٹورہ بیٹج/ادالا القضاء سوات کے دائر کردہ کی نوٹو کاپی بھی لگائی تھی۔

یہ کہ سائل نے اس سلسلے میں پشاور ہائی کورٹ میٹورہ بیٹج/ادالا القضاء، سوات میں رٹ بھی دائر کر دیا ہے لیکن پھر بھی ڈائریکٹر ہائیر ایجوکیشن (کالجز) خیبر پختونخواہ خاموشی اختیار کی تھی۔ اور سائل کو کوئی جواب نہیں دیا۔ اور آخر کار ڈائریکٹریٹ اور ڈائریکٹر ہائیر ایجوکیشن (کالجز) خیبر پختونخواہ پشاور کے تمام غیر قانونی اور رولز کے خلاف سارے حربے ختم ہو گئے۔ تو آخر کار ایک حربہ باقی تھی کہ سائل کا سروس کا کسی ملے بقیے سے ختم کرنے تو ڈائریکٹر ہائیر ایجوکیشن (کالجز) خیبر پختونخواہ نے آخر یہ حربہ بھی استعمال کیا اور سائل کو غیر قانونی اور رولز کے خلاف اور ایک سازش پر removal of service کا یہ آرڈر جاری کیا۔ تو اس آرڈر سے ساری حقیقت معلوم ہوا کہ یہ سب کچھ سائل کے ساتھ ذاتی اور ایک سازش اور قانون اور رولز کے خلاف ہو رہا ہے۔

کیونکہ یہ آرڈر سے بالکل واضح معلوم ہوتا ہے کیونکہ اس آرڈر میں قانون اور رولز سے مذاق کیا گیا ہے۔

یہ آرڈر قانون اور رولز کے مطابق نہیں ہوا بلکہ یہ ایک سازش پر ہوا ہے۔

اسلئے اس آرڈر میں جو الزامات سائل پر لگائے گئے ہیں اور یہ آرڈر جاری کر دیا ہے وہ بالکل بے بنیاد اور جھوٹ ہیں۔ اس آرڈر میں یہ الزام لگایا ہے کہ انکوآری کمیٹی نے سائل کو اتنا رقم کا ذمہ دار ٹھہرایا ہے اور سائل اس رقم کو اس رقم کو ادا نہیں کرتا ہے۔ اور ابھی تک غیر حاضر ہے تو اس وجہ سے سائل کو removal of service کا آرڈر جاری کرتا ہے۔ تو یہ بالکل جھوٹ اور بے بنیاد ہے۔ کیونکہ سائل کس طرح غیر حاضر ہیں۔ اسلئے کہ سائل کو پشاور ہائی کورٹ میں گورہ بیچ ادا لالہ لقصاء سوات نے مارچ 2016ء میں ضمانت دیا ہے اور کیس ٹرائیل کیلئے انٹی کرپشن کورٹ کو بھیجنے کا حکم دیا ہے تو اس کے بعد سائل کس طرح غیر حاضر ہو سکتا ہے۔ تو یہ ایک سازش ہے سائل کے خلاف کیونکہ جب کیس کورٹ چلا جاتا ہے تو پھر باقی سارے راستے بند ہو جاتے ہیں۔ جب کورٹ فیصلہ نہ کر سکتے تو پھر اور کوئی کارروائی نہیں ہوتی۔ تو ڈائریکٹر ہائیر ایجوکیشن (کالج) خیبر پختونخواہ پشاور نے یہ آرڈر سائل کا جیل سے پہلے اور کیس کورٹ جانے سے پہلے اور اپنے مقررہ ٹائم پر ڈائریکٹر ہائیر ایجوکیشن (کالج) خیبر پختونخواہ، پشاور نے کیوں نہیں کرتا تھا۔

اب کیس کورٹ میں ہے اور جب تک کورٹ فیصلہ نہ کریں تو اس وقت تک کوئی کارروائی قانون کے مطابق نہیں ہے۔ اور نہ سائل کوئی کارروائی قبول کرتا ہے۔ تو یہ سب کچھ سائل کے ساتھ ذاتیات اور ایک سازش اور قانون اور رولز کے خلاف ہو رہا ہے۔ اور انکوآری کمیٹی کا رپورٹ بھی ٹائم باٹ ہے۔ کیونکہ انکوآری کمیٹی بھی ایک سازش پر بنائی ہوئی تھی۔ اسلئے سائل نے انکوآری کمیٹی کے مخالف انکوآری سے پہلے اور پھر انکوآری سے بعد انکوآری کمیٹی سے خلاف اپیل کیا ہے۔ انکوآری کمیٹی اپنا رپورٹ 18/03/2014 کو ڈائریکٹریٹ کو submit کیا تھا۔ اور پھر دو سال تک رپورٹ ڈائریکٹریٹ والوں نے اپنے پاس رکھا اور پھر جب دل چاہا تو پھر کارروائی شروع کی۔ تو یہ قانون کے ساتھ مذاق ہے۔

اور دوسرا انکوآری کمیٹی نے اپنا recommendation میں اس طرح کوئی ذکر نہیں کیا کہ سائل کو سروس سے برطرف کرے۔ اور پھر نہ کوئی قانونی تقاضے نہ انکوآری سے پہلے اور نہ بعد میں پورا کیا گیا ہے۔ اور 1973 کے سروس رولز میں یہ ہے کہ انکوآری جلد از جلد کرے اور پھر کارروائی بھی جلد از جلد مکمل کرے۔ لیکن یہ ایک انکوآری نہیں ہے بلکہ ایک سازش اور ذاتیات کا انکوآری تھا۔

(52)

اگر قانون کے مطابق کاروائی ہوئی ہوتی تو 2011 میں سارے قانونی تقاضے پورا کرتے تھے۔ اور پھر ایک ڈائریکٹر ہائیر ایجوکیشن (کالجز) نے ایک فیصلہ کرنا تھا اور اب ٹیس ٹرائیل کیلئے کورٹ چلا گیا ہے تو ڈائریکٹر ہائیر ایجوکیشن (کالجز) خیبر پختونخواہ، پشاور کے پاس اور کوئی جواب نہیں تھا تو اس نے یہ غیر قانونی اور رولز کے خلاف اور ایک سازش پر مسائل پر زیادتی کی بنیاد پر یہ آرڈر issue کیا گیا ہے۔

لہذا آپ صاحبان کی خدمت میں ایک عاجزانہ، ہمدردانہ اور قانون اور رولز کے مطابق انصاف دینے کیلئے یہ عرض کرتا ہوں کہ آپ صاحبان قانون اور رولز کے مطابق اور کورٹ کے فائل فیصلہ تک مسائل کا یہ آرڈر ختم کریں اور مسائل کو اپنا سر دوس پر بحال کرے کیونکہ کورٹ کے فائل فیصلہ تک اس آرڈر کا کوئی قانونی حیثیت نہیں ہے اور نہ اس پر قانون کے مطابق کوئی عمل ہوتا ہے اور نہ مسائل اس پر عمل کرنے کیلئے تیار ہے۔ یہ آرڈر ایک بہت بڑا ظلم اور نا انصافی ہے۔ اور قانون کے ساتھ مذاق ہے کیونکہ کیس کورٹ میں ہے اور جب تک کورٹ فیصلہ نہیں کر سکتا تو اس وقت تک کوئی کاروائی قانون اور رولز کے مطابق نہیں ہوگا۔ آپ صاحبان اس آرڈر کو ختم کرنے کے احکامات جاری کریں تاکہ قانون اور رولز کی پاسداری قائم ہو جائے تو بندہ تاحیات دعا گورے گا۔

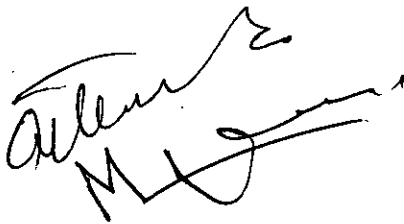
مورخہ:- 30/08/2016

~~ریاضی~~

محمد رحمن ولد امر دز خان سکندری پوری ضلع شانگلہ

لیبارٹری اسٹنٹ گورنمنٹ ڈگری کالج آگرہ ملاکنڈ ایجنسی

موبائل نمبر:- 0300-5611176

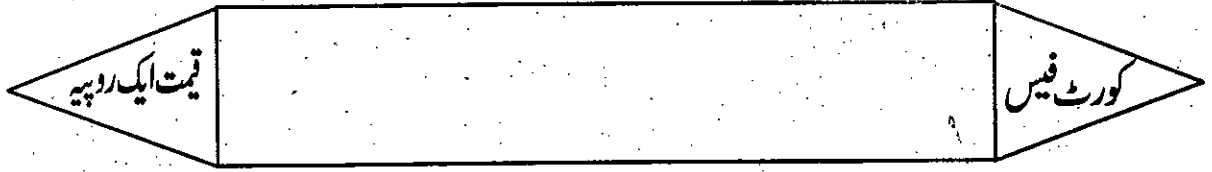


کاپی برائے اطلاع:

ڈائریکٹر ہائیر ایجوکیشن (کالجز) صوبہ خیبر پختونخواہ، پشاور

(5)

بعدالت جناب مروت شریبندگی صاحب پیشدہ



مورخہ
مقدمہ
دعویٰ
جرم

۲۰ منجانب ملا / ایسٹاٹ
محمد حسن بنام سید سعید یا سید انجوشہ وغیرہ

باعت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی
مستقلہ آن مقام پیشدہ کے فرید اللہ صاحب ایڈووکیٹ کو
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل
اختیاط ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب
دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اور اس پر دستخط کرنے کا اختیار ہوگا۔
نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل
یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔
اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ
برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے
سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے
وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل
صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند رہے

المرقوم ۵۹ ۵۶ ۵۷

العبد گواہ شاہ ندہ العبد

Flies

کے لئے منظور ہے

مقام

مقام

Attended and
Accepted by
Fazilullah Khan
Advocate

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT SWAT

Service Appeal No.1230/2016

Muhammad Rehman (Appellant)

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary and Director Higher Education,

Peshawar..... (Respondents)

AFFIDAVIT

I, Asif Khan, Assistant Director (Litigation), Higher Education, Archives & Libraries Department, Government of Khyber Pakhtunkhwa, do hereby declare and affirm on oath, that the contents of the Para-wise Comments are correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.


Deponent

CNIC No. 17301-6043213-9

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, CAMP COURT, SWAT.

S.A.No.1230/2016

Mr. Muhammad Rahman.....Appellant.

Versus

Govt. of Khyber Pakhtunkhwa
Through Secretary and Director,
Higher Education Peshawar.....

Respondents.

Subject: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 & 2

Preliminary Objections:-

1. The appellant has got no lacus standi/ cause of action to file the instant appeal.
2. The appellant has not come to this honourable Tribunal with clean hands and conceal material facts.
3. The instant service appeal is badly time-barred.
4. This honourable Tribunal lacks jurisdiction to entertain the present appeal.
5. The appellant is estopped by his own conduct to file the instant appeal.

Facts:-

- 1) Correct that appellant was appointed as Laboratory Assistant in the Higher Education Department.
- 2) Subject to Proof.
- 3) Correct to the extent that appellant was transferred to Government Degree College, Agra, (Malakand) but in performance of his duty, the appellant committed embezzlement in the College Accounts, Private Fund, G.P Fund, Medical Allowance, Admission Fee and Tuition Fee. The letter of the Principal, Government Degree College, Agra (Malakand hearing No. 360 dated 09-06-2011 is attached as (Annex-A).
- 4) Incorrect. The Principal, Government Degree College, Agra (Malakand) sent a letter bearing No. 360 dated 09-06-2011 about the alleged embezzlement of College Accounts consequent upon the letter, the respondent also constituted an enquiry committee under the chairmanship of Prof. Fazli Subhani, Principal, Government Post Graduate College Dargai on 20-06-2011 to Probe into corruption of the appellant i.e. Muhammad Rahman. It was recommended by the inquiry officer that the case of the appellant may be forwarded to Anti-Corruption and National Accountability Bureau (NAB). The inquiry officer also recommended that F.I.R may be lodged against the appellant. Therefore, F.I.R was lodged against the appellant under section 419, 420,468,471,201/502 PPC by the Principal and perpetual warrant of arrest has been issued from the Court of Law (Annex-B). The records shows that the appellant has made huge corruption in the College and caused great loss to the Government Exchequer as well as to the poor employees of the College. Therefore, the respondents have to stop his salary of the appellant since 2011.
- 5) Correct that F.I.R No.12 dated 05/12/2013 has been registered against the appellant u/s: 381 PPC (Annex-C).
- 6) Correct that appellant has been suspended from w.e.f. 09-06-2011 till the termination of proceeding/case (Annex-D).
- 7) Correct to the extent that two inquiries were conducted to probe into the matter. In both inquiries, the appellant was declared as main culprit in the embezzlement of Funds.

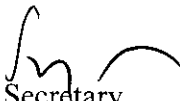
- 8) Incorrect. The appellant was proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rule 2011, for his involvement in embezzlement and his wilful absence from duty w.e.f. 23-08-2010. The inquiry committee after having examined the charges, evidence on record of the accused official, recommended to recover the embezzled amount. The Director, Higher Education after having considered the charges, evidence on record found him guilty and impose major penalty of removal from service upon the appellant. Hence the removal order has been issued within the four corners of law.
- 9) Incorrect. The Departmental appeal of the appellant has been regretted by the competent authority with the direction that efforts may be made for recovery of amount of G.P Fund as allegedly embezzled from the defaulting persons including the appellant (Annex-E).


Grounds:-

- a. Incorrect. The impugned order has been passed in accordance with law.
- b. Incorrect. As explained in the preceding para.
- c. Needs no comments.
- d. Incorrect. The inquiry so conducted against the appellant is legal and in accordance with rules and law.
- e. Incorrect. The inquiry committee under the chairmanship of Prof. Munsif Khan, served questionnaires upon the various officers, officials and Mr. Rehman, appellant filed his written reply to the inquiry officer (inquiry report is attached as Annex-F).
- f. Incorrect. All the codal formalities have been fulfilled by the inquiry committee.
- g. As explained in the preceding paras.
- h. As explained in the preceding paras.
- i. Pertains to record.
- j. Incorrect. The respondents are the law abiding Civil Servants.
- k. Incorrect. The impugned order is not arbitrary, unilateral and whimsical.
- l. Incorrect. The inquiry committee proved the charges against the appellant and he has rightly been removed from service.
- m. The respondents may be allowed to raise additional grounds at time of hearing of the instant case.

Prayers:-

It is therefore, humbly prayed that the instant service appeal is based on mis-statement/mis-conception and hence, may graciously be dismissed with cost.


Secretary,
Higher Education Department
Respondent No.1


Director,
Higher Education Department
Respondent No.2

~~Annex~~ (158)

Annex-A

No:- 359 Dated Agra the 9/6/2011.
 From:- The Principal,
 Govt: Degree College Agra,
 Malakand Agency.
 To :- The Director of ^{Higher Educa} Khyber Pakhtunkhwa
 Peshawar.
 Subject:- G.P. FUND OF THE EMPLOYEES GOVT: DEGREE COLLEGE
 AGRA.

Sir,

Reference to the above subject It is stated that Mohammad Rahman Laboratory Assistant GDC, Agra, Care taker of the Accounts Section, of this college, has unlawfully and illegally drawn the GF Fund of the employees as below:-

S.No.	Name	Amount drawn From A.A.O. Malakand.
1.	Perviz Khan, S/Clerk.	Rs. 84600/-
2.	Hakim Zada, Mali	Rs. 20000/-
3.	Zair Nabi, N/Qasid	Rs. 40000/-
4.	Faqir Shahzada, Chow;	Rs. 40000/-
5.	Sher Mohammad, Chow;	Rs. 30000/-

NOTE:- The Period under consideration, 2008, 2009, 2010, 2011, there was no regular Principal and the caretaker charge with Mr. Fazal Wahid Assistant Professor. He fully authorised Lab: Assistant Mohammad Rahman so exercise authority as Principal.

Moreover Charcoal Electricity Special grant and other contingency of the college alongwith student scholarship drawn by the clerk concerned and gone away.

It is therefore, requested kindly to probe inquiry into the circumstances under which Mohammad Rahman, Lab: Assistant entered into the subject mismanagement and illegal unauthorised deed.

S/c *Muhammad*
 9/6/2011
 PRINCIPAL
 GOVT: DEGREE COLLEGE AGRA
 MALAKAND AGENCY.

(5)

Better Copy of FIR

E-13

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

ضلع: ملاکنڈ

تھانہ: A.C.E ملاکنڈ

علت نمبر: 3

تاریخ: وقت وقوع سال 2008 تا 2011 وقت نامعلوم

تاریخ وقت رپورٹ	2011-6-9 وقت دفتری اوقات۔ چاکیڈگی پرچہ 9-2011-9 وقت 09:00 بجے
نام و سکونت اطلاع دہندہ مستغیث	پروفیسر عبدالہادی انجمن پرنسپل ڈگری کالج آگرہ ملاکنڈ
مختصر کیفیت جرم (معدفعہ) حال اگر کچھ لیا گیا ہو	409/419/420/468/471/201 PPC & 5(2) PC Act
جائے وقوع فاصلہ تھانہ سے اور سمت	گورنمنٹ ڈگری کالج آگرہ۔ فاصلہ 50/60 km جانب غرب
نام و سکونت ملزم	محمد رحمن ولد امر و خان سکندہ اپوزی ضلع شانگلہ
کارروائی جو تفتیش کے مطابق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	برسیدگی چھٹی انگریزی نمبر 7077 مورخہ 05-09-2011 مقدمہ قائم کیا گیا۔
تھانہ سے روانگی کی تاریخ وقت	بسیل ڈاک

ابتدائی اطلاع نیچے درج کرو: مورخہ 20-09-2014 کو مستغیث مندرجہ خانہ نمبر ۲ کے جانب سے

انگریزی چھٹی نمبر 360 مورخہ 09-06-2011 بخدمت جناب DAC صاحب پشاور موصول ہو کر اس میں الزام لگایا کہ ڈگری کالج آگرہ کالیبرٹری اسٹنٹ محمد رحمن بالانے ملازمین کا جی پی فنڈ اور دیگر سرکاری رقم خرد برد کی ہے اسکے خلاف کارروائی کی جائے چھٹی انگریزی ارسال کردہ متذکرہ بالا پر حسب الجہم جناب DAC صاحب O.E نمبر 84/2011 بحوالہ انگریزی چھٹی نمبر 6550 مورخہ 10-08-2011 کے ذریعے انکو آڑی شروع ہو کر پایا گیا کہ ملزم بالانے بابت جی پی فنڈ ملازمین قبضہ ڈگری کالج آگرہ مبلغ 7,67,900/- روپے جبکہ دیگر سرکاری رقم چارکول، پیشل گرانٹ، MRC/TA/DA، سٹوڈنٹس فیس اور کانسٹیبل وغیرہ سے مبلغ 4,20,400/- روپے کل مبلغ 11,88,500/- روپے خرد برد کیلئے ذمہ دار پارک ملزم بالا کو صفائی کا موقع دیا جا کر سوالنامہ جاری کیا گیا۔ مگر تاحال مذکورہ کی جانب سے کوئی جواب نامہ موصول نہیں ہوا ہے۔ جس سے ثابت ہوتا ہے کہ واقعی مذکورہ نے رقم ذکر شدہ بالا خرد برد کی ہے۔ ملزم بالا کے خلاف حکم بابت رجسٹریشن مقدمہ بحوالہ چھٹی انگریزی نمبر 7077 مورخہ 5.9.2011 موصول ہو کر جسکے خلاف مقدمہ بہ جرم بالا درج رجسٹری کر کے افران بالا کو اطلاعی دی جاتی ہے۔ اگر بدوران تفتیش دیگر کوئی اہلکار ملوث پایا گیا تو اسکے خلاف بھی حسب ضابطہ کارروائی عمل میں لائی جائیگی۔ پرچہ گزارش ہے۔

دستخط انگریزی

ATTESTED

CO/ACE Malakand

08-09-2011

CERTIFIED TO
BE TRUE COPYDarrister
Dr. Salman Khan
Advocate High Court

22

G-15

ابتدائی اطلاعی رپورٹ

(16)

تاریخ 28-01-06

Alksteel

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 153 مجموعہ ضابطہ جرداری

آرٹھ

مطلع

تاریخ حوث: شروع مورخہ 27/12/05 لوقت 0:05 بجے

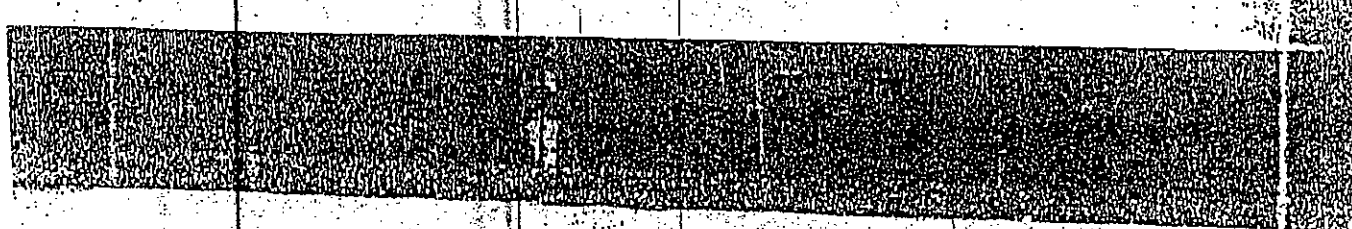
27 (12)

تاریخ وقت رپورٹ	مورخہ 12/01/06 لوقت 12:15 بجے
نام و کنیت اطلاع دہندہ مستغیت	پرنسپل عبدالقادر ایچ ایچ ڈگری کالج آرٹھ
تعمیر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	381 P.P.C
بابہ و ذمہ دار موصولہ تھانہ سے اور دست	ڈگری کالج آرٹھ لفظی طور پر
نام و کنیت ملزم	ذریعہ ذمہ دار اور ملزم خان سید ابوبکر علی صاحب
کارروائی چر تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو	بہر صورت ملزم اور ملزمہ سے اجازت ملے
زمانہ سے روانگی کی تاریخ و وقت	

جناح عالی، گزارش معینہ مورخہ ابتدائی اطلاع نیچے درج کردہ (12/01/06) ملزم پرنسپل ڈگری کالج آرٹھ نے ملزم حسن کیسار ڈگری اسٹنٹ کے خلاف کالج ریکارڈ سسٹم کرنے کی تحریری درخواست کی جس پر سپر VPP صاحب نے جواب دیا کہ ملزم نے مورخہ 12/01/06 کو ملزم میری رائے دیکر ملزم 381 P.P.C کا ملزم دیکھنا ضروری کیا۔ لہذا ملزم بالا کے خلاف پرمہ گزارش ہے۔ امین نواب صاحب نے ملزم کے خلاف درخواست دی ہے۔

پرنسپل ڈگری کالج آرٹھ ملزم خان سید ابوبکر علی صاحب کے خلاف درخواست کی ہے۔ اس میں ملزم نے ملزم حسن کیسار ڈگری اسٹنٹ کے خلاف کالج ریکارڈ سسٹم کرنے کی تحریری درخواست کی جس پر سپر VPP صاحب نے جواب دیا کہ ملزم نے مورخہ 12/01/06 کو ملزم میری رائے دیکر ملزم 381 P.P.C کا ملزم دیکھنا ضروری کیا۔ لہذا ملزم بالا کے خلاف پرمہ گزارش ہے۔ امین نواب صاحب نے ملزم کے خلاف درخواست دی ہے۔

پرنسپل ڈگری کالج آرٹھ ملزم خان سید ابوبکر علی صاحب کے خلاف درخواست کی ہے۔ اس میں ملزم نے ملزم حسن کیسار ڈگری اسٹنٹ کے خلاف کالج ریکارڈ سسٹم کرنے کی تحریری درخواست کی جس پر سپر VPP صاحب نے جواب دیا کہ ملزم نے مورخہ 12/01/06 کو ملزم میری رائے دیکر ملزم 381 P.P.C کا ملزم دیکھنا ضروری کیا۔ لہذا ملزم بالا کے خلاف پرمہ گزارش ہے۔ امین نواب صاحب نے ملزم کے خلاف درخواست دی ہے۔



پرنسپل

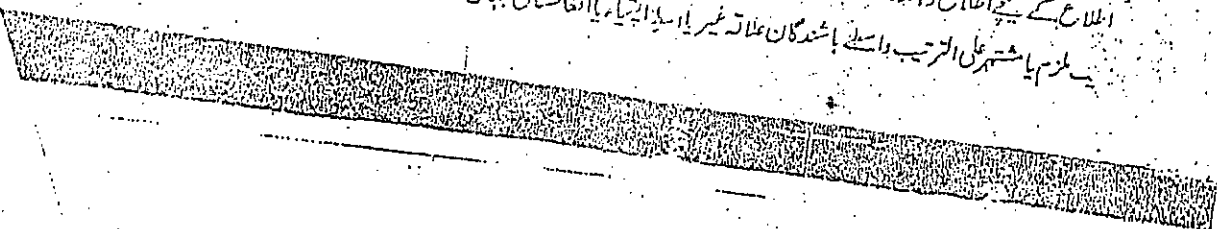
ATTESTED

سید ہذا کیس درج ذیل اور ملزم کو روک کر اس کے کیس میں سید ہذا کے بارے میں مزید جاننے کے لئے اس کے خلاف ایک سرکاری کیس نمٹانے کے لئے درخواست کی گئی ہے۔
 ملزم نے ایک بار سے دوسری بار تک بار بار ریپورٹیں دی ہیں۔ اس کے بارے میں ایک سرکاری کیس نمٹانے کے لئے درخواست کی گئی ہے۔
 ملزم نے ایک بار سے دوسری بار تک بار بار ریپورٹیں دی ہیں۔ اس کے بارے میں ایک سرکاری کیس نمٹانے کے لئے درخواست کی گئی ہے۔
 ملزم نے ایک بار سے دوسری بار تک بار بار ریپورٹیں دی ہیں۔ اس کے بارے میں ایک سرکاری کیس نمٹانے کے لئے درخواست کی گئی ہے۔
 ملزم نے ایک بار سے دوسری بار تک بار بار ریپورٹیں دی ہیں۔ اس کے بارے میں ایک سرکاری کیس نمٹانے کے لئے درخواست کی گئی ہے۔
 ملزم نے ایک بار سے دوسری بار تک بار بار ریپورٹیں دی ہیں۔ اس کے بارے میں ایک سرکاری کیس نمٹانے کے لئے درخواست کی گئی ہے۔

4/12/23

دستخط
 مہتمم

اطلاع کے لیے اطلاع دہندہ کا دستخط اور اس کی پہچان لگائی جائے گا۔ اور اس پر تحریر کنندہ ابتدائی اطلاع کا دستخط اور تاریخ دیکھی ہوگی۔ صرف ان کی جانب سے
 یہ ملزم یا شہر علی الترتیب واسطے باشندگان علاقہ غیر اس کے لیے ایضاً یا افغانستان جہاں سوزوں ہوں کہ سنا جائے۔



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Better Copy of FIR

G-15

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ نو جداری

تھانہ: آگرہ

ضلع: ملاکنڈ

علت نمبر: 12

تاریخ: وقت وقوع مورخہ 27-12-2005 بوقت 10:00 بجے

تاریخ وقت رپورٹ	مورخہ 04-12-2013 بوقت 12:00 کی چاکیدگی پر چہ 5-12-2013 بوقت 15:00 بجے
نام و سکونت اطلاع دہندہ مستغیث	پروفیسر عبدالہادی انچارج پرنسپل ڈگری کالج آگرہ ملاکنڈ
مختصر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو	381 PPC
جائے وقوعہ فاصلہ تھانہ سے اور سمت	گورنمنٹ ڈگری کالج آگرہ - فاصلہ 1 km جانب شرق از تھانہ
نام و سکونت ملزم	محمد رحمن ولد امر و زخان سکس ایجوکیشن ضلع شانگلہ
کارروائی جو تفتیش کے مطابق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	برسیدگی رپورٹ پر چچاک شد
تھانہ سے روانگی کی تاریخ و وقت	

ابتدائی اطلاع نیچے درج کرو: مورخہ 04-12-2013 کو پرنسپل گورنمنٹ ڈگری کالج آگرہ نے لیبارٹری

اسٹنٹ محمد رحمن بالا کے خلاف کالج ریکارڈ سرقت کرنے کی تحریری درخواست کی۔ جس پر DPP صاحب بٹ خیلہ نے مورخہ

E-TRUE COPY

05-12-2013 کو تحریری رائے دیکر جرم 381 PPC کا سرزد ہونا تحریر کیا لہذا ملزم بالا کے خلاف پرچہ گزارش ہے

05-12-2013 آگرہ امیر نواب دستخط انگریزی محررہ تھانہ 05-12-2013 متن رپورٹ ذیل ہے۔

Dr. Shikhar Khan
Advocate High Court

پرنسپل گورنمنٹ کالج آگرہ ضلع ملاکنڈ بجانب پوسٹ کمانڈر لیوی پوسٹ آگرہ۔ مراسلہ بغرض اندراج مقدمہ برخلاف ملزم محمد رحمن

جناب عالی! عرض یہ ہے کہ ملزم محمد رحمن لیبارٹری اسٹنٹ گورنمنٹ ڈگری کالج آگرہ سینٹر کلرک پرویز خان کی علالت کی وجہ سے

سابقہ پرنسپل صاحبان کے حکم پر کالج اکاؤنٹس کا انچارج تھا۔ اس دوران ملزم محمد رحمن LIA نے کالج کے اکاؤنٹس کے مختلف مدت

میں غبن کیا۔ غبن کے سلسلے میں اس کے خلاف انٹی کرپشن نے FIR درج کیا ہے اور تحقیقات جاری ہیں۔ اس دوران محمد رحمن کالج

ریکارڈ بشمول ۱۔ کیش بک ۲۔ کالینجس رجسٹر ۳۔ پرائیویٹ فنڈ رجسٹر ۴۔ سٹیشنری ریکارڈ ۵۔ سٹاک بک رجسٹر ۶۔ بینک

پاس رجسٹر ۷۔ چیک بک اور ریکنسلیشن ریکارڈ ۸۔ بجٹ ریکارڈ ۹۔ ایم۔ اے۔ سی ریکارڈ ۱۰۔ چار کول رجسٹر ۱۱۔ سٹاف

سٹیشنٹ ۱۲۔ پرائیویٹ سٹیشنٹ فنڈ اور دوسرے بہت سے کاغذات اپنے ساتھ لے گیا ہے۔ بہ مورخہ 27-12-2005 بوقت

10:00 بجے صبح اپنے ساتھ لے گیا تھا۔ اور چونکہ اس فقیر شہزادہ کو بتایا تھا کہ چونکہ وہ کالج اکاؤنٹس کا کام کرتا ہے اسلئے اس کو گھر پر

ان رجسٹریات کی ضرورت ہوتی ہے بعد میں ملزم محمد رحمن کے خلاف کیس درج ہوا اور ملزم محمد رحمن کے کیس کے سلسلے میں پرنسپل

M

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سٹ پوسٹ ڈگری کالج ایبٹ آباد کے سربراہی میں ایک محکمہ انکوائری کمیٹی قائم ہوئی اور انکوائری شروع ہوئی تو ملزم محمد رحمن کو
بار ریکارڈ ارجنٹرائٹ لانے کیلئے رابطہ کیا گیا۔ لیکن ملزم محمد رحمن نے ابھی تک کالج ریکارڈ ارجنٹرائٹ کالج کو واپس نہیں
کیا۔ انکوائری کمیٹی نے ملزم محمد رحمن کے خلاف کالج ریکارڈ کو سرفہ کرنے کے جرم میں FIR درج کرنے کی ہدایت کی ہے۔ لہذا
آپ صاحبان مہربانی کر کے ملزم محمد رحمن کے خلاف قانونی کارروائی کر کے سرودہ سامان ارجنٹرائٹ وصول کریں۔ رپورٹ عرض ہے
۔ دستخط انگریزی پرنسپل عبدالہادی گورنمنٹ ڈگری کالج اگرہ مالاکنڈ محرمہ 4-12-2013

CONFIRMED TO
BE THE COPY

Adnan Khan

Adnan Khan
Advocate High Court

(46)

Amended

24

DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.
Phone # 091-9211025, 091-9210242. Fax # 091-9210242

Dated Peshawar, the 13/9 /2011.

SUSPENSION ORDER

Consequent upon Embazzlement/Fraudulant Drawal and mis-
appropriation at Govt Degree College, Agra (Malakand Agency), Mr. Muhammad
Rahman Laboratory Assistant is hereby suspended wef 09.06.2011 till termination of
proceedings/case.

He is allowed to draw subsistence allowance as permissible
under FR 54.

(Prof. Ghulam Qasim Marwat)
DIRECTOR HIGHER EDUCATION

2011/9/10
E idst; No. /A-167/CA-I/Estt; Branch.

Copy of the above is forwarded for information & necessary
action to the:-

- 1) Principal Govt Degree College, Agra. (Mkd; Agency).
- 2) Agency Accounts Officer, Malakand.
- 3) Assistant Director (A/Cs), Local Directorate
- 4) Official concerned.

2/11
DY. DIRECTOR (ESTABLISHMENT)



GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES AND
LIBRARIES DEPARTMENT

No. SO(C-IV)HE/19-1/2016/Ministerial Staff/RF-2

Dated Peshawar the, May 12th, 2016

To

The Director Higher Education,
Khyber Pakhtunkhwa, Peshawar.

SUBJECT: APPEAL FOR JUSTICE

I am directed to refer to your letter No.10526 dated 12-04-2016 on the subject noted above and to state that after thorough examination of the appeal in respect of Mohammad Khalid, Senior Clerk Directorate of Higher Education, the competent authority has been pleased to decide as under :-

- i. Appeal is rejected having sufficient materials against the appellant on record.
- ii. Efforts may be made for recovery of amount of G.P Fund, as allegedly embezzled from the defaulting persons.
- iii. Efforts may also be made for reteriveing of the official record stolen by Muhammad Rehman Lab: Assistant of GDC Agra Malakand.

The appellant may be informed accordingly.

(RAHIM GUL)
SECTION OFFICER (C-IV)

Copy to

1. PS to Secretary Higher Education Department.

SECTION OFFICER (C-IV)

OFFICE OF THE DIRECTOR HIGHER EDUCATION KHYBER PAKHTUNKHWA PESHAWAR.

Endst.No. 19452 CA-VII/Estt:Branch/GPGC, Haripur

Dated 20/7/2016

Copy of the above is forwarded to Mr. Muhammad Khalid, Senior Clerk Directorate of Higher Education for information and strict compliance.

BY: DIRECTOR (ESTABLISHMENT)

Copy (18) Annex-01 50



DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA, KHYBER ROAD PESHAWAR
Telephone No.091-9211025-9210217-9210242 Fax-9210215

No. 652 / CA-VII/Estt. Branch/

Dated 18/3/2014

To

The Principal
GDC, Agra (Malakand)

Subject:- INQUIRY REPORT / APPEAL FOR RELEASE OF COMMUTATION AND PENSION IN RESPECT OF MR. FAZAL WAHID EX-PRINCIPAL GDC, AGRA (MALAKAND).

Memo:

I am directed refer to the subject cited above and to send herewith copy of the inquiry report and to ask you to take action on the recommendation at S.No.1 of inquiry report under intimation to this Directorate.

Deputy Director (Establishment)

BA
7/2/14

GOVT. POSTGRADUATE COLLEGE NO. 1 AHOTTAHAD
No. 234
Date: 09/03/2012-3-11

The Director of Higher Education
Khyber Pakhtunkhwa, Peshawar

SUBJECT: INQUIRY REPORT APPEAL FOR RELEASE OF COMMITMENT AND
PENSION IN RESPECT OF MR. FAZAL WAHID FN PSHAWAR AYRA
MALAKHAI AGENCY

Dear Sir,

REFERENCE

This is with reference to your office memo Nos. 1508-10/CA-MSIB/branch A-
12/General Misc/ Proposal, No.29038-10/CA-V/Estt Branch/A-12/ General Misc/ Proposal,
No.5631-36 /CA-MSIB/branch V-12/General Misc/ Proposal and 23400-02/CA-
MSIB/branch V-12/General Misc/ Proposal dated Peshawar the 31-03-2012, 21-12-2012, 06-03-
2012 and 22-11-2012 whereby I as the chairman along with two other worthy members were
appointed as inquiry committee to probe in the subject matter by conducting fact finding inquiry
aiming at formulating cogent recommendations to be submitted to your good office for perusal
and further necessary action, please.

PROCEDURE

With objective to reach the cogent conclusion, the early inquiry reports, Audit records
and other relevant documents were requisitioned and audited, also all the concerned
Officers/Officials were served with questionnaires to be filled with supportive documents, heard
in person and were asked to give the statement in writing. The aggrieved Officers/Officials
whose amount of GPF Advances drawn were asked to the applications. The college
administration was repeatedly asked to engage the relevant Govt. Agency to recover the missing
college official, request to that necessary assessment of the financial loss to the college/Govt.
Exchange may be made. The A.C.L. Malakand was also requested to give the update with regard
to the progress in the registered embezzlement complaint/case. No response is received from the
A.C.L. Malakand and no missing record has so far been recovered that really caused delay in the
completion of the inquiry process.

With regard to different questionnaires served to and the correspondence made with
various persons, Officers, Officials and Agencies, the following documents were obtained which
are indexed accordingly. Mr. Fazal Wahid, the Principal retired, appellant for the release of his
commitment and pension, filed reply to the questionnaire served to him along with its enclosure
comprising 109 pages marked as (A-1 to A-86.3). Mr. Muhammad Rehman, Lab Assst. GDC
Agr. Malakand Agency, the accused, filed his written reply consisting of 22 pages marked (B-1
to B-11) in response to questionnaire served to him. Mr. Zia ul Haq, Ex Principal of GDC Agr
and now the Principal of GDC Thergora, was also served with questionnaire whose reply
along with enclosure containing 7 pages marked as C-1 to C-5 are taken into account. Some
other related documents are collected by the Inquiry Committee itself e.g. (i) on its own, (ii) from
the concerned college administration, (iii) from the office of Directorate of Higher Education and
the GPO, etc., (iv) pertinent findings from the already conducted inquiries and (v) previously
carried out Audit reports. These documents are categorized and indexed as D-1 to D-7, C-1 to E-
25; F-1 to F-9 and G-1 to G-10

RECEIVED ON
03 FEB 2012

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Subject
Memo:
The
Inquiry

ENCLOSURES

Brief history of Mr. Muhammad Rehman's involvement in monetary management (dealing A/C's matters) during the tenures of respective DDOs in chronological order

1. Mr. Muhammad Rehman, Lab Assistant, was transferred from Govt. College Alpur, District Shajoh to Govt. Degree College Agra, Malakand Agency vide Notification No. 50 (Colleges), III-3/2003 dated Peshawar the 11/11/2003 (Annexure F-5). The principal/DDO at that time was Mr. Fazli Karim Khan.
2. Mr. Fazli Karim Khan, Regular Principal with DDO powers from 20-05-2000 to 11-11-2004, retired on 11-11-2004 (A.N). Audit was conducted on his retirement. He, for the first time, inducted Mr. Muhammad Rehman, Laboratory Assistant of Chemistry in accounts matters in place of accountant clerk.
3. Mr. Fazal Wahid, incharge Principal/DDO on the recommendations of Mr. Fazli Karim Khan from 25-11-2004 to 02-08-2005, in his first tenure of office, upheld the tradition and allowed Mr. Muhammad Rehman to continue his assignments among other, dealing with account matters as per practice in vogue then.
4. Mr. Fazali Ghafoor took over the charge as a regular Principal/DDO from 03-08-2005 to 23-04-2007 after Mr. Fazal Wahid who (Mr. Fazali Ghafoor retired on 23-04-2007 (A.N). He was inspired by Mr. Muhammad Rehman and reposed in him his full confidence and went to the extent that he wrote recommendation letter vide No. 245 dated 30-12-2006 (Annexure F-9) requesting the Director Higher Education for permanent adjustment of Mr. Muhammad Rehman as senior clerk by conversion of his post of Laboratory assistant to senior clerk to act as college accountant. Internal audit by the Directorate of Higher Education was done of the period from 13-11-2004 to 23-04-2007 on 25/26-04-2007 covering the period of Fazal Wahid and Fazal Ghafoor. The audit team did not raise audit objection on dealing accounts matter by a laboratory assistant of chemistry, Mr. Muhammad Rehman in the light of notification by the Directorate of Higher Education NWFP Peshawar vide No. 20315-117/CA-VII/Estt.Branch dated 19-05-2003 (Annexure F-7). Had the audit team, at that time, asked to follow the directive of the Director of Higher Education, contained in (Annexure F-7), precluding a Lab. Asstt. to deal with account matters, this mega monetary corruption and the stealth of whole college record in the known history of the colleges would not have taken place. All the college financial record was taken away by Mr. Muhammad Rehman in the tenure period of Mr. Fazal Ghafoor supposedly with the consent of the then incumbent Mr. Fazali Ghafoor. The whole record of the college was perceivably brought from an unknown place to the college or the house of Fazali Ghafoor for audit purpose and never brought back to the college after then. Reports of the college chokiswar, senior clerk and different Principals are annexed as (Annexures A-39; D-1; D-2; D-3; D-4 & D-5).
5. Mr. Zia-ul-Haq 01-05-2007 to 23-02-2009 (about 1 year, 10 months), succeeded Fazal-Ghafoor. He did not take the charge of the office as principal/DDO in proper way, i.e., No formal handing/taking over on the official documents took place which was mandatory provision on the eve of relieving the outgoing officer. Documents to be signed during handing over and taking over from one DDO to the other DDO amongst other are 1. cash book, 2. Classified registers, i. Govt. fee, ii. Private Fund, 3. Stock registers i. science, sport, etc. ii. General stock-4. Banks transactions i. pass book, ii. Last day banks

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statements 5. Hostels 1. cash book ii. Last day Banks statements, etc. etc. Even after assuming the charge of the office, he adopted criminal silence and did not take timely effective remedial actions needed to recover the missing record of the college. The college virtually remained in the state of abeyance, as far as monetary transactions were concerned, due to missing of the college official record. The office record remained missing all along his tenure of Principalship/DDOship.

6. Mr. Hidayatullah Khan A.P of Islamiyat from 01-03-2009 to 31-03-2009 (1 month only), relieved Mr. Zia ul Haq and took over the charge from him (Mr. Zia-ul-Haq) while he (Mr. Zia-ul-Haq) was transferred from GDC Agra to GDC Thana, on simple charge report sheet/Performa. No obligatory formal handing over and taking over took place by signing i.e., putting signatures of the relieved and relieving Govt. Servants on necessary official documents because of the absence of official record in the college. Whereas the relevant record was remained missing. Solemn declaration, affidavit (F-1) is referred.
7. Mr. Fazal Wahid 01-04-2009 to 10-05-2011, again took over the charge of DDO ship in 2009, in his second term of office. From April, 2009 to March, 2010, one year period Military operation started to curb down insurgency in Malakand Agency for that reason local population were displaced rather evacuated and sent to tents installed at Mardan, Peshawar and Hazara. The normalcy was restored in March, 2010. During this period the area was in *disorder*. With the exception of two receipts annexed as annexure (B-4; B-5 or A-42; A-41) nothing is available against Mr. Fazal Wahid in corruption/embezzlement case of GDC Agra. No report from the college authority or any other Govt. Agency is found against Mr. Fazal Wahid. All the initial reports and preliminary investigations held Muhammad Rehman solely responsible for the grave offence. An FIR No.3 Dated 8/9/2011 was exclusively registered with P.S.ACE Malakand U/S 201/109/119/420/468/471/ PRC & 5(2) P.C. Act (Annexure A-52) on the formal complaint of Prof. Abdul Hadi, the then Principal, GDC. Agra vide his letter No.360 Dated 9/6/2011 (Annexure A-62 & A-53). Arrest warrant U/S 204 Cr.P.C., on the basis of FIR lodged against Mr. Muhammad Rehman, was issued by the worthy Civil Judge Balkhala, (Annexure D-6; D-7 & D-8). However, no arrest has yet been materialized and the accused is still absconder. The accused is ordered by the worthy court of law to appear before the court under section 87 Cr.P.C. (annexure A-59); the news to this effect was published in the daily AAJ Peshawar dated 12/07/2013, news clipping annexed as (Annexure D-9).
8. Mr. Hidayatullah Khan 11-05-2011 to 24-07-2011 (1 month 20 days), again acted as incharge principal/DDO. He as a matter of fact sandwiched the 2nd term of office of Mr. Fazal Wahid (01/04/2009-10/05/2011). He neither handed over the monetary documents to Fazal Wahid on 01/04/2009 nor taken over the lost documents from Mr. Fazal Wahid on 10/05/2011. This is clear and lucid proof of the fact that the college record had never come in the custody of either Mr. Hidayatullah Khan or Mr. Fazal Wahid. The status-quo of objectionable silence was maintained from Mr. Zia ul Haq to Mr. Hidayatullah Khan via Mr. Fazal Wahid. The documents once taken away in the tenure of Mr. Fazal Wahid by Mr. Muhammad Rehman remained stolen, allegedly taken away by him (Mr. Muhammad Rehman) once these were allegedly taken away by Mr. Muhammad Rehman, Lab. Assistant of chemistry of the college. Affidavit (F-1) referred supra.

TABLE FOR GPF ADVANCES ALLEGEDLY WITHDRAWN FRAUDULENTLY

S. No.	Bill Passed vide Token No. & date	Name of (Officer/Official)/ Subscriber	GPF Account No.	Amount withdrawn	Incumbent Principal/DDO
1.	933. Date: 17.01.2008	Mr. Shahab-ud-Din, Asstt; Prof. of Economics	IV/Edw/Dn/3789/CSS	Rs.60,000/-	Mr. Zia-ul-Haq
2.	6123. Date: 02.04.2008	Mr. Fazl Wahid, Asstt; Prof. of Chemistry	IV/CI-1/Dn/2237/CSS	Rs.20,000/-	Mr. Zia-ul-Haq
3.	7538. Date: 23.08.2008	Mr. Sher Muhammad, Chokidar	IV/Edw/MKD/3332/CSS	Rs.25500/-	Mr. Zia-ul-Haq
4.	21303. Date: 28.10.2008	Mr. Pervez Khan, Senior Clerk	IV/Edw/MKD/2276/CSS	Rs.84600/-	Mr. Zia-ul-Haq
The Total amount of GPF Advance drawn during Mr Zia ul Haq Period comes out to be Rs. 374100/-					
5.	9335. Date: 11.05.2009	Mr. Hidayatullah, Asstt; Prof. of Islamiyat	IV/Edw/MKD/356/CSS	Rs.308000/-	Mr. Fazl Wahid
6.	85. Date: 16.09.2009	Mr. Shahab-ud-Din, Asstt; Prof. of Economics	IV/Edw/Dn/3789/CSS	Rs.527000/-	Mr. Fazl Wahid
7.	25189. Date: 01.10.2009	Zah Nabi, Nail Qasid	IV/Edw/MKD/2279/CSS	Rs.40,000/-	Mr. Fazl Wahid
8.	28179. Date: 19.10.2009	Faqir Shahzada, Mali	IV/Edw/MKD/2277/CSS	Rs.25,800/-	Mr. Fazl Wahid
9.	29578. Date: 24.10.2009	Hakim Zada, Mali	IV/Edw/MKD/4612/CSS	Rs.20,000/-	Mr. Fazl Wahid
10.	50. Date: 07.11.2009	Mr. Bahram Khan, Asstt; Prof. of Pashto	IV/CI-000/366/CSS	Rs.213600/-	Mr. Fazl Wahid
The Total amount of GPF Advance drawn during Mr Fazal Wahid Period comes out to be Rs: 1144000/-					

In this way Muhammad Rehman was given a free hand in accounts matters and he became all and all in financial management. He started his misdeeds gradually. Muhammad Rehman took advantage of connivance and tacit consent of Mr. Fazal Ghafoor, criminal negligence and purposeful silence of Mr. Zia ul Haq, blind faith and carelessness of Mr. Fazal Wahid and unconcerned posture and indifferent attitude of Mr. Hidayatullah Khan to move forward towards his corruption and evil designs. He also got cooperation from Accounts office and National Bank and some officials of the Directorate of Higher Education. Thus he committed gross financial irregularities with impunity. Mr. Muhammad Rehman's clever moves to bring wild accusations of receiving illegal gratifications (bribes) against some officials of the Directorate of Higher Education and others from him (Annexures B-7, B-8 and B-9) on one hand placed the alleged accused (officials/officers) to defense and on the other hand confirmed the confession of sole involvement in the offence of financial misappropriation, embezzlement and corruption. It also confirms his total and individual responsibility in all financial damages.

The case should be handed over to FIA or ACFE and all the college record should be retrieved from him. So that all the financial losses to the college/Govt. Exchequer during the period w.e.f. 24-04-2007 to 30-06-2011 (04 years, 02 months and 06 days) can be assessed/estimated and recovered from him in due proportion.

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- a) [From 17/01/2008 to 28/10/2008 it was the tenure of Mr. Zia ul Haq during which the GPF Advance from S.No.1 to S.No.4 was drawn fraudulently.]
- b) [From 11/02/2009 to 07/11/2009, the tenure of Mr. Fazal Wahid, it was the turbulent period due to military operation in the area resultantly nothing was in place. All the G.P.Fund Advances from S.No.5 to S.No.10 was drawn during this disturbed period.]
- c) [The audit of the period placed in block from 24/01/2002 to 30/06/2011 is not carried out due to the non-availability of the auditable record in the college which had been taken away by and recall in the custody of Mr. Muhammad Rehman.]

9. Mr. Abdul Hadi 27-07-2011 to 09-01-2012 (6 months), did marvelous job of starting new documentation on the basis of which the monetary record was initiated and started to be maintained. He lodged complaint of corruption with the anticorruption department against Muhammad Rehman, Lab Assistant of the college about his embezzlement and corruption.

10. Mr. Noor Zaman 19-01-2012 to 13-07-2013, made all his monetary matters on the record maintained by Mr. Abdul Hadi.

Audit of the period from 01/07/2011 to 31/07/2013 has been conducted by the audit party of the Directorate of Higher Education, Peshawar covering the period of Mr. Abdul Hadi and Mr. Noor Zaman and the audit report is submitted to the Director Higher Education for information and necessary action. The names of the audit team were Mr. Fazli Rehman, AD (A) and Mr. Fazli Gulshan, Assistant.

One of two Receipts produced by Muhammad Rehman and the same by Mr. Fazal Wahid along with their reply of Questionnaire served to them.

Mr. Muhammad Rehman produced two receipts of payment viz (H-4 and H-5) one of the amount Rs. 1893000/- signed by Ex-Principal, Mr. Fazal Wahid and allegedly paid to him (Fazal Wahid). Second receipt of the amount Rs. 865000/- allegedly paid to Mr. Parvez Khan, chief clerk and attested by Mr. Fazal Wahid. Mr. Fazal Wahid produced the same two receipts annexed as (A-42 and A-41) with the claim that the receipts are bogus, the amount recorded on the receipts is fake and only the signatures are genuine which had been obtained on blank papers for the purposes to be used in connection with his commutation and pension purposes, where the need be.

Mr. Fazal Wahid submitted one solemn statement (Annexure A-44) and one affidavit on judicial stamp paper in support of his claim (Annexure A-45) stating and affirming his signatures on the receipts to be genuine (only the signatures) but the statement was fake as it was written afterwards. Similarly the dates and the phrase (payment attested) were also fake and not written by him. According to Mr. Fazal Wahid, Mr. Muhammad Rehman came to his house and got blank papers signed for L.P.R and other uses as the college is at a remote area and due to problems of transport and communication, this practice was in vogue. Mr. Parvez Khan also declared the receipt and his signature as forged and fakes (Annexure (F-2.1 and F-2.2))

It is indeed surprising that the whole amount of money Rs. 865000/- of Zia ul Haq's tenure kept with Mr. Muhammad Rehman, as this amount was neither given by Mr. Zia ul Haq to Mr. Hidayatullah at the time of transfer of charge nor was deposited in the college Account or disbursed the due amount among the college staff accordingly. It was afterwards given to Mr. Parvez Khan on 10.05.2011 which is the superannuation date of Mr. Fazal Wahid. If Mr. Muhammad Rehman could pay Rs. 1893000/- to Mr. Fazal Wahid, then why did he not pay Rs. 865000/- to the same person say Mr. Fazal Wahid or the portion amount of GPF Advances to the real owners (Officers and Officials) whose GPF Advances had been drawn by him (Mr.

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Muhammad Rehman). The timings and facts are not in consonance with the events. Even if these receipts are supposed to be correct, the keeping of entrusted money with him (Mr. Muhammad Rehman) for such a long time is itself embezzlement & obtaining these kinds of receipts at such time itself tantamount to fraud. Had Mr. Fazal Wahid involved in such type of embezzlement and corruption, there would have been no need of giving receipts or attesting the payment to any person for other's amount say Rs. 505000/-.

Therefore, the committee can safely declare the receipts contents to be bogus except signatures of Mr. Fazal Wahid which have been obtained fraudulently on the pretext of using for some other genuine purposes for which they were obtained. Hence Mr. Fazal Wahid and Mr. Parvez Khan may be absolved from burden and liability of both the receipts in question, being discreditable.

In period during which the college record including the college computer was taken away/ stolen and by whom criminal activities unleashed.

As per solemn statement of the college Chowkidar, Mr. Faqir Shahzada, verified by the other staff class-IV servants, namely M/S Zair Nabi, Abid Hussain, Muslim Khan, Zakir Hussain, Hakim Zada, Sahib Gul, Sadiq Khan and Mr. Parvez Khan, senior clerk, attested by Mr. Abdul Hadi, former principal and now a staff member and endorsed by the then Principal of the college Mr. Noor Aman, the whole office record of the college and one computer, presumably containing the college record data in its memory, (A-78; D-3) was taken away out of the college by Mr. Muhammad Rehman Lab Asstt: of the college in a private vehicle. According to the chowkidar (Faqir Shahzada) he forbade him (Muhammad Rehman) by dissuading him (Muhammad Rehman) objecting as to why he was taking away the college record, he (Muhammad Rehman) replied that the then Principal Mr. Fazal Chisoor had allowed him to do the same. As he (the then Principal) was not present in the college at that time, but when after a few days he came to the college, the matter was reported to him in the presence of above mentioned Class-IV employees and the senior clerk and that he had not returned the same to the college, but to no avail.

Also Mr. Parvez Khan, Senior Clerk of the college submitted his report to the then Principal of the college, to the effect that the college official record had been taken away by Mr. Muhammad Rehman out of the college. According to him, the detail of the office record taken away out of college premises by Muhammad Rehman is given therein, placed at (Annexure A-39 & D-2) which are reproduced as follows: 1. Cash Book; 2. Contingency Register; 3. Private Fund Register; 4. Stationery Register; 5. Stationery Stock Register; 6. Bank Pass Book and Cheque Book; 7. Receipt Statement; 8. Reconciliation Record; 9. Budget Record; 10. M.R.C Record; 11. Charcoal Register; 12. Staff Statement; 13. Private Statement Record; 14. The office record maintained in the college about GPF Advance of the class IV-Employees, etc. It is all the more surprising to note that the office record of the GPF Advance affectees in the GPF branch of the Directorate of Higher Education is also manipulated and tampered. There is no record of the applications forwarded by the concerned Principals to the Directorate of Higher Education on the basis of which GPF Advance sanctions were granted by the Director of Higher Education. This criminal act was aimed at vanishing the proofs to reach the actual person who forwarded the applications for the grant of GPF Advance to the Director of Higher Education, Peshawar. Convincingly the applications had been fraudulently forwarded on the forged signatures of the Principals of that time, when once the sanctions had been granted; the applications were removed from the GPF Advance file to destroy the foot prints of the root cause. In this context some of the copies of applications and copies of the sanctions (F-3.1; F-4.1; F-5.1 & F-5.2) were obtained by the Inquiry Committee bearing the signatures of Mr. Zia-Ul-Haq, during his tenure of the Principalship/DDOship. When he (Mr. Zia-Ul-Haq) was asked to comment on the endorsements of the applications allegedly forward by him, he flatly refused to own the signatures put on them terming them forged and recorded his remarks note on the photo states of the annexed allegedly forwarded by him to the Director of Education for the grant of GPF Advances. (The matter regarding such serious type of lapse in the GPF branch of the Directorate of Higher Education office

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ferred to the Director of Higher Education for thorough probe and remedial measures for future (reference) Mr. Abdul Hadi in his tenure as Principal lodged formal complaint against Muhammad Rehman about the stealth of college record & gave the detail of documents taken away by him (D-5). Noor Zaman, the then Principal also gave his hand written statement endorsed by his predecessor Principal Mr. Abdul Hadi, stating that he took over the charge as the Principal of the college on 31/12/2012 and found the whole college record prior to 01/07/2011 missing and reported to have been taken away by one Muhammad Rehman and himself was continuously absent ever since he had taken over the charge (D-1). An FIR to this effect had been lodged by the then Principal. The case is pending in the court of law in which he is reportedly at large being absconder. (A-59, A-60, A-61, A-62, A-63, D-6, D-7, D-8 & D-9). Recently the sitting Principal has also tried to get registered the criminal recovery of college official record mentioned in the application Vide No 354 dated 11/2013. (D-1 & D-2).

The whole of the information sources to whom we consulted, unanimously and consistently, with all honesty and beyond reasonable doubt, confirm that the college official record had definitely been taken away by Muhammad Rehman, Lab Assst. of chemistry of the college and that he is continuously absent from his duties.

be detailed estimate of embezzled money in various heads including GPF Advance, as collected from all available sources of information

The detail of the GPF Advance amount as fraudulently drawn and embezzled pointed out by various inquiries conducted so far is specified as follows:

1. On the basis of initial report submitted to the Anti-Corruption Establishment Malakand and preliminary investigation made by the ACE, Malakand on 03/05/2011, the amount embezzled viz GPF Advance is Rs. 767900/- and that of other embezzlements Rs. 420600/- collectively Rs. 1188500/- was shown. Copies of the FIR and investigation report are placed at annexure (A-62 and A-63)
2. After going through the fact finding inquiry report compiled by Mr. Fazli Subhani, Principal, GPGC Dargai, Malakand, the committee got the information about amount embezzled by Mr. Muhammad Rehman is as follows. In GPF Advance Rs. 1352400/- and in other heads \$11600/- accumulatively Rs. 2144000/- (inquiry report is available in the office of DHE).
3. Inquiry report prepared on 03/03/2011 by Mr. Shadi, Assistant Accounts Officer, Mr. Sahibzada Shehryar, Senior Auditor and Mr. Essa Khan, Senior Auditor regarding GPF Advance embezzlement/fraud in DAO Malakand and found the amount embezzled in GPF Advance only is Rs. 1503500/- and the report is silent about rest of the embezzlements. This report gives no reference of the other amount under different relevant heads (Report is available in the office of DHE).
4. Mr. Muhammad Rehman and Ex-Principal, Mr. Fazal Wahid, both have produced two number of receipts, (exhibited as B-4 and B-5; A-42 and A-41) by former for certification of payment, and by later for rebuttal/denial of receipts terming them being fake respectively. The amount shown therein is Rs. 1893000/- signed by the Ex-Principal Mr. Fazal Wahid and Rs. 865000/- by Mr. Pervez Khan senior clerk and attested by Mr. Fazal Wahid, thus making gross total amounting to Rs. 2758000/-.
5. As far as GPF Advances are concerned the net amount assessed on the basis of written applications filed by the affectedes and forwarded by the principal under his endorsement No. 136 dated 03/01/2013 along with enclosure as annexed as annexure G-1 to G-10 to be Rs. 1535900/- and rest of the amount cannot be credibly ascertained due to the non availability of the authentic record.

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After examining the different available audit reports, the monetary part of which are reduced as above, all give the different accounts of amounts so embezzled by Mr. Muhammad Rehman, Lab Assistant of Chemistry at GDC Agra, Malakand Agency.

There is no match in these amounts however, the two receipts produced by Mr. Muhammad Rehman and claimed to have been paid to Mr. Fazal Wahid Ex-Principal and Mr. Yez Elyan, senior clerk, may be seen as a sort of self-confessional amount on the part of Mr. Muhammad Rehman which is somewhat close to the time of actual embezzlement. amount. There is no office record of any transaction made during the period from 24/04/2007 to 30/06/2011. This is also reflected in audit report dated 10-12 September, 2013 submitted by Mr. Fazali Rehman, Assistant Director Audit, and Assistant Auditor Mr. Fazali Subhan, Directorate Higher Education Peshawar. (Audit report is available in the office of DHE).

The above mentioned amounts vary therefore irreconcilable and none of them can be satisfactorily proved authentic or otherwise in the absence of authentic relevant record. Moreover, the above amounts partially indicate the detail of MRCs, A.C bills claimed and drawn plus the amount of TA/DA and charcoal allowance besides GFP Advances. So it becomes imperative first to recover the record from Mr. Muhammad Rehman, Lab, Assst through law enforcing agencies and thereafter authenticate the record, estimate the amount in question and take into account the views of such experts in the field of Budget, Audit and Accounts of the Directorate of Higher Education for recovery purposes.

During the period w.e. from 24/04/2007 to 30/06/2011, five regular annual fiscal budgets and special grants, viz

1. 01-07-2006 to 30-06-2007 (from 24-04-2007 to 30-06-2007)
 2. 01-07-2007 to 30-06-2008
 3. 01-07-2008 to 30-06-2009
 4. 01-07-2009 to 30-06-2010
 5. 01-07-2010 to 30-06-2011
- whole period of four financial years.

were allocated and released to G.D.C Agra Malakand agency which have/had been supposedly utilized by the various incumbents, and no order ^{audit} was carried out for the above period.

The regular annual budget and the special grants for the financial year 2006-07 was spent by Mr. Fazali Gilafsoor as the Principal/DDO. The departmental audit was conducted up to 23-04-2007, the date of his retirement. Further audit from 24-04-2007 to 30-06-2011 could not be conducted for various reasons. During this period the regular budgets and special grants were utilized or supposed to be utilized by the concerned DDOs or in charge Principals whose detail is given below:

Mr. Zia-Ul-Haq

1. From 24-04-2007 to 30-06-2007; 2 months and 6 days from the remaining budget/ special grants allocated for the year 2006-07.
2. Full budget and special grants allocation for the year 2007-08.
3. From 1-7-2008 to 28-02-2009; 8 months out of the regular budget and special grants for the year 2008-2009.

Mr. Hidayatullah Khan

From 01/03/2009 to 31/03/2009, one month the college remains under the control of Mr. Hidayatullah, therefore one month expenditure out of 2008-09 regular budget and special grants was supposed to be supervised by Mr. Hidayatullah.

Mr. Fazal Wahid

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1. 4, 5 and 6 three months of 2009 were utilized out of 2008-09 budget and special grants allocation by Mr. Fazal Wahid.
2. 2009-10 the whole regular budget and special grant was utilized by Mr. Fazal Wahid.
3. 2010-11 budget and special grant upto 10/05/2011 was utilized by Mr. Fazal Wahid and retired on 10/05/2011 (A.N).

r. Hidayatullah Khan

From 11/05/2011 to 30/06/2011 the expenditures were again made by Mr. Hidayatullah Khan out of 2010-11 regular budget and special grants.

Hence, in the absence of authentic record, no definite and categorically just and final decision can be delivered about the actual and factual amount embezzled during the period mentioned above. However, as a matter of fact during this period corruption was rampant and a large amount has been embezzled and lot of corruption took place in the college.

The committee recommends that the regular budget and the special grants allocated to DC, Agra w.e.f. 24/04/2007 to 30/06/2011 for the non-audited period (salary, non-salary and special grants) may be reconciled from the DAO, Malakand by the experts in the field of budget and account branch and audit branch of the office of Directorate of Higher Education and the unaccounted amount not qualified thus not justified by the audit party may be treated as embezzled and be recovered from the officers/officials as per percentage given against each as recorded in the recommendations.

As far as pupils fund and Govt. fee collected by the admitted students, all kinds of scholarships, donations and endowments, etc. during the period not audited from 24-04-2007 to 30-06-2011 are concerned, it cannot be calculated without the availability of the credible official record which has allegedly been taken away by Mr. Muhammad Rehman, Lab. Assistant of the College.

to the role of the District Accounts Office Malakand and that of the related Bank Branches in the embezzlement by Mr. Muhammad Rehman

The committee started to discover how the cheques issued to various Officers/officials could be encashed for GPF advances amount from the bank unless they were opened by the Accounts Officer and verified by the dealing employees of the bank, who processed the cheques. Crossed Cheques were opened which made withdrawal possible. Had the cheques not opened, there were least chances of amount could have been drawn. It means the District Accounts Officer, Malakand was in league with Mr. Muhammad Rehman and to certain extent, the dealing employees, through whom, the cheques were processed and the related Bank officers and officials specially the Cashier who finally made payment seem accomplice.

The ugly business of GPF Advances extraction of the following officers/officials started during the tenure of Mr. Zia ul Haq's Principal ship/DDOship.

- 1) Prof. Shahab ud Din, Initially Rs. 60000/-
- 2) Prof. Fazal Wahid who later on became principal and now retired Rs. 204000/-
- 3) Mr. Sher Muhammad, College Chowkidar Rs. 25500/- or Rs. 30000/-
- 4) Mr. Parvez Khan Senior clerk Rs. 34600/- or Rs. 88600/- which were taken out/drawn in January, April, August and October of 2008 by fraud.

The Accounts officer Malakand should have acted according to the rules of GPF Advance and should have started necessary deduction/recovery of GPF installments just in the following months and should have issued balance sheets on time. In that case, concerned people and

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...ples in general would have come to know about it and the money loss would have been avoided. The money drawn would have been made to pay to the real owners. And this ugly business would have come to a stop. People would have become conscious and careful. Finally, extraction of GPF Advance of others by fraud and engulf would not have been possible. In this way the College and the Government Exchequer would have been saved from losses. So the Accounts Officer by not starting deduction of the due installments and no balance of balance sheets at right time kept the concerned subscribers in dark of withdrawal of their GPF Advances. Consequently the fraud continued without check, and entered in the tenure of Mr. Fazal Wahid via Mr. Hadayatullah who also remained unaware of his own GPF Advance and all other ugly business going on all along and all around his tenure, though his turbulent period due to Swat Military Operation against insurgency. In this way the accounts officer not only showed negligence from his official duty but also became part of the ugly business indirectly. Bank Officer/Officials also showed carelessness which tantamount to neglect of duty. This fraud did not face any resistance at any step. In this regard SMSs and applications of Mr. Muhammad Rehman were worth noticing, which form weighty nexus. Therefore this committee considers the Accounts Officer and his GPF related staff equally responsible and can be held accountable and also shows its regret at related Bank Officer/Officials.

It is very astonishing for the Inquiry Committee to observe that the fraudulent draws of GPF Advance started w.e.f January, 2008 and continued unabated to November 2009. Neither the deductions of the necessary installments from the salaries of the concerned subscribers were made nor were the Balance Sheets of their GPF ever issued in due course of time. But the sooner in the leakage of information about the embezzlement and corruption, the Director Higher Education appointed Mr. Fazli Subhani, the Principal GPGC, Dargai, Malakand Agency for the inquiry of the matter on 20/06/2011 vide No. 16232/CA-VIII/Ext; Branch -I dated Peshawar the 07/06/2011, the very next day, i.e., on 21/06/2011, the corresponding process was initiated/activated by the DAO, Malakand by issuing a letter No. DAO/MK/Fund/2010-11/2443 dated 21/06/2011 to the Principal GPC, Agri, Malakand Agency (Copy not traceable) about the matter in question, followed by two more such letters No. DAO/MK/FUND/2010-11/3534-35 dated 12/07/2011 (annexure-E2) and No. DAO/MD/G-4/2011-12/3562-65 dated 16/07/2011, (annexure-E-3) vividly in quick succession in response to a joint application moved by i. Mr. Hakim Zada Mali, ii Mr. Zair Nabi Naib Qasid and iii. Mr Pervez Khan Senior Clerk requesting for the stoppage of GPF Advance recoveries' installments (Annexure E-1) which indicates close and live co-ordination of network amongst various axes operating at different stations/corners. One can think how strong is the vicious circle against a poor principal/DDO rendering him (Principal) ignorant and helpless.

CONCLUSION

Mr. Muhammad Rehman had been working from 2004 to 2011 as accounts clerk instead of Sub- Assistant. He has been too clever and crafty person. To control such person requires bold, shrewd and extremely vigilant DDO. The officers of the education department are normally of compromising attitude and repose trust in their sub-ordinates and do not harbor bad opinion about them. The clever and crafty take undue advantages of their simple nature. What should a principal/DDO do when accounts office and other relevant offices and the bank management help such a crafty man against the DDO. Taliban unrest in the area also facilitated the crafty characters to take undue advantages. Mr. Rehman's indulgence in corrupt practices is also evident from his receipt, SMS's records produced by Mr. Fazal Wahid and cheques issued to some officers/officials and forged entry of Fazal Hayat (Annexures A-13, A-14, A-15, B-10, B-11, A-16, A-17, A-36.1, A-36.2, A-36.3 and A-43). The cross cheques were deliberately and

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illegally opened which resulted in withdrawal GPF advances, Govt. grants from the treasury and the banks. In this way account officer Malakand not only went against the call of his duty but also acted without cautions and prudence. This also amounts to neglect of duty. The guilty officers did not face any obstacle at any point. Therefore this committee regards the account officers and the concerned officials as partner in the crimes and also shows utter regrets at the responsible behavior of the bank officers and officials.

All the college financial documentary record was taken away from the college by Muhammad Rehman in the tenure of Mr. Fazal Ghatour with presumably collusion and consent of the incumbent, Mr. Fazal Ghatour. He connived with Muhammad Rehman and did not take any steps to recover the lost record by evolving right strategy necessary for the safe return of record back to the college. He, as a matter of fact laid the foundation of fearless corruption.

Mr. Zia ul Haq showed criminal silence and put curtain on crimes committed by Mr. Rehman. He did not take prompt action to force Muhammad Rehman to bring back stolen documentary record. His timely action would have saved the whole debacle. This ugly business would have been stopped at early stages. He could have claimed the main character Muhammad Rehman and other abettors viz officers/officials of accounts office, Directorate office, and the banks. In this way the college and the public ex-checker would have been saved from further damages.

Mr. Hidayatullah Khan had responsibilities of taking the charge twice. He also remained part of the senior staff members for a long time. He deliberately did not play his due role as a Govt. officer for the stoppage of the ongoing crimes. He played the role of a silent spectator which amounts to the betrayal of the responsibilities of a Govt officer, the mismanagement of Govt. trust, which the Govt. reposes in its gazetted officer as employer.

The committee agrees with the contents of the applications of the notables of the area, namely Haji Noor Zamin Khan CNIC No. 15402-1425385-9, Haji Dahri Karami CNIC No. 5402-5983435-5 and Haji Raikad Gul CNIC No. 15402-9541134-5 (Annexures E-10 and E-11) also (Page No. 31 and 45 and 48-50 of Mr. Subhani's Report) filed with Mr. Fazli Subhani, Principal GPGC Dargai, Malakand Agency that Mr. Fazal Wahid is a simple, pious and an innocent man. He is as well not involved in the embezzlement/corruption. Some references are in the corruption scandal- a drama staged by the real character/perpetrators. The irony of fate/circumstances is given him enough punishment in the form of suspension of release of commutation and pension for such a long time. His misfortune that despite several attempts he could not get transferred to the Govt. Postgraduate, Sahanzab College, Saidu Sharif, Swat (Annexures A-15, A-16, A-18 and A-19) and had to retire from the same very college after reaching the superannuation. There were extraneous circumstances for his failure to effectively control the management, such as, the sooner he assumed the charge of Principal/MDO, many operations started and continued for about one year in his tenure. Also during his tenure he met different fatal accidents due to that his health broke down and he became physically handicapped thus inactive. The college lies at a remote mountainous terrain with difficult approachability and not easily commutable. Consequently it became not possible for him to travel all along to different offices and keep himself abreast with routine development. The letters he used to write to the Director of Higher education were not allowed to reach their destination because of erecting a strong wall around him. This wall developed news blackout due to the creation of communication gap between the college and the Directorate of Higher Education. Once he himself visited D.H.E, Peshawar with (19) pages written report/documents aimed to submit directly and discuss verbally in detail with the Director of Higher Education.

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at unfortunately could not meet the Director of Higher Education as he had gone to Kohat on official visit. When Fazal Wahid came to know about the mismanagement of the money, corresponding are found on the record that he did struggle to save the system from further deterioration. Authorities once issued to Muhammad Rehman to deal with D.A.O, Banks and the treasures were cancelled and Muhammad Rehman was issued many letter for return of official document in his custody and the money he had drawn fraudulently and illegally kept with him. Fazal Wahid tried to intimate the higher authority for the state of affair and solicited for the joint strategy to be evolved to curb menace. The letters written to DAO Malakand and the related bank were proved ineffective (Annexures A-5, A-12, A-21, A-22, A-23, A-24, A-25, A-26, A-27, A-40, A-69, A-74, A-76, A-77, A-78; B-3, E-19, E-20, E-21, E-22, E-23, E-24, E-25 and E-26. Those were the reason for his weak grip on the already withered affairs of the college. His effort to introduce a ameliorative reforms were baffled by the unscrupulous lobby of joint venture. This committee therefore recommends that his application A-1, E-15, E-16 and E-17 may be accepted and he may be issued NDC for the release of his commutation and pension according to spirit of FR-51A (Annexures A-6, E-18.1, E-18.2 and E-18.3). However, an affidavit on a judicial stamped paper be taken from him that if after any new minute scrutiny in future, any monetary misappropriation is found against him, recovery be made from him. In the instant case some penalties should befall him also.

RECOMMENDATIONS

In the light of above points, the committee recommends the following.

- i. Muhammad Rehman, Lab. Assistant stands the mega culprit. He may be got arrested for the recovery of the office record.
- ii. The Principal Fazal Wahid may be allowed commutation and pension benefit and an affidavit on judicial stamped paper offering the payment of any amount pointed out by the minute detail audit in future after the recovery of credible official record.
- iii. The concerned Accounts officer who dared to open the crossed cheques causing all this corruption may be penalized and inquiry to this effect be initiated against him.

Part A. GPF-Advance

The committee unanimously declares the amount viz, Rs. 1508500/- as reported by the Inquiry Committee comprising Mr. Muhammad Shafi, AAO, Salabzada, Senior Auditor and Mr. Easa Khan, Senior Auditor to be the actual amount. The recovery of the said amount along with interest accrued therein may be materialized as per detail given below:-

- | | | | |
|------|---|-----|---|
| i. | Mr. Muhammad Rehman, Lab. Assistant..... | 10% | ✓ |
| ii. | The Dist. Accounts Officer, Malakand.....
(during the period from 2008 and 2009) | 10% | ✓ |
| iii. | The Bank officer/official.....
(during the period from 2008 and 2009) | 05% | ✓ |
| iv. | Mr. Muhammad Khalid, dealing clerk Directorate of Higher Education --- | 05% | ✓ |

Part B. Budget and special grants

The committee had gone through the embezzlement amount from Budget and special grants, etc., and recommends that:-

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Budget and Accounts Branch of the Directorate may be directed to calculate the total amount so calculated may be recovered as per following details:

- i. Mr. Zia ul Haq
- ii. Mr. Hidayatullah Khan
- iii. Mr. Fazal Wahid
- iv. Mr. Fida Muhammad
- v. Mr. Pervez Khan
- vi. Mr. Muhammad Rehman

- Ex-Principal-----10%
- Ex-Principal-----10%
- Ex-Principal-----05%
- Ex-Principal-----05%
- Accounts officer-----05%
- Senior Clerk-----05%
- Lab. Asst.-----60%

In order to estimate realization of pupils fund and Govt. fee, the experts from Budget, Accounts and the Audit Branches of the Directorate of Higher Education may be directed to form joint teams and visit GDC, Agra to search for exact strength of students duly admitted from 1st-Year college admission during the academic sessions starting from 2006 to 2011. This coordination should involve members of admission committees constituted during different academic sessions, concerned BISE and the university to find out the exact numbers of students registered for that period and took exams. Result papers from 2006 to 2011 be consulted for cross checking of added 10% extra for struck off students and for those who did not take exam for other reasons. The difference between the genuine amount so estimated and that of Govt. fee deposited in Govt. treasury and pupils fund in the college account maintained in the bank, may be reconciled respectively. All the money estimated should be subjected to audit for expenditure made in the period 24-04-2006 to 30-06-2011. The doubtful amount not satisfying the team may be declared given against such.

- i. Mr. Zia ul Haq
- ii. Mr. Hidayatullah Khan
- iii. Mr. Fazal Wahid
- iv. Mr. Pervez Khan
- v. Mr. Muhammad Rehman

- Ex-Principal-----10%
- Ex-Principal-----10%
- Ex-Principal-----10%
- Senior Clerk-----10%
- Lab. Asst.-----50%

The report is submitted for perusal and necessary action please.

Committee:

- 1. Prof. Ahmad Raza, Principal, GDC, No. 1, A.P.L. (Chairman)
- 2. Prof. Aymal Shah, Principal, GDC, Khamroad (Member)
- 3. Prof. Qutub Din, Principal, GDC, Lador (Member)

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BETTER COPY Annexure Page - 22

To

The principal,
GDC Agra (Malakand)

Subject:- Inquiry report / appeal for release of commutation and pension in respect of Mr. Fazal Wahid Ex-Principal GDC, Agra (Malakand).

Memo:

I am directed refer to the subject cited above to send herewith copy of the inquiry report and to ask you to take action on the recommendation at S. No. 1 of inquiry report under intimation to this directorate.

Deputy Director (Establishment)

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BETTER COPY of Annexure - J Page - 23

To

The Director of Higher Education
Khyber Pakhunkhwa, Peshawar.

Subject:- Inquiry report / appeal for release of commutation and pension in respect of Mr. Fazal Wahid Ex-Principal GDC, Agra Malakand Agency .

Dear Sir,

Reference

This with Reference to your office memo No. 18308-10/CA-1/Estt: branch A-12/General misc proposal, No. 29038-10/CA-1/Estt; branch A-12/General misc proposal, No. 5634-36/10/CA-1/Estt: branch A-12/General misc proposal No and 400-02/10/CA-1/Estt branch A-12/General misc proposal: dated Peshawar the 31-08-2012, 21-12-2012, 06-03-2013 and 22-11-2013 whereby I as the chairmen along with two other worthy members were appointed as inquiry committee to probe in the subject matter by conducting fact finding inquiry aiming at formatting recommendations to be submitted to your good office for perusal and further necessary action, please.

Procedure:

With objective to reach the cogent conclusion the early inquiry reports, Audit records and other relevant documents were requisitioned and shushed, also all the concerned Officers/Officials were served with questionnaires to be filled with supportive documents, heard in person and were asked to give the statement in writing. The aggrieved Officers/Officials whose amount of GPF Advance drawn were asked to the applications. The college administration was repeatedly asked necessary assessment of the financial loss to the college/Govt. Exchequer may be inside. The ACE, Malakand was also requested to give the update with regard to the progress or the registered embezzlement complaint/case. No response from the ACE, Malakand and no missing record has so far recovered that really caused delay in the completion of the inquiry process.

With regard to different questionnaires served to and the correspondence made with various persons, Officers, Officials and Agencies, the following document were obtained which are indexed neordingly. Mr. Fazal Wahid, the principal retired, appellant for the release o his commutation and pension, filed reply to the questionnaire served to him along with its enclosure comprising 100 pages marked as (A-1 to A-86.3). Mr. Muhammad Rehman, lab Asstt: GDC Agra, Malakand Agency, the accused, filed his written reply consisting of pages marked (B-1 to B-11) in response to questionnaire served to hm. Mr. Zai ul Haq, Ex. Principal GDC Agra, Malakand Agency and now the principal of GPCC thmergura was also served with questionnaire whose reply along with enclosure containing 9 pages marked as C -1 to C-8 are taken into account. Some other related documents are collected by the inquiry committee itself e.g. (i) on its own, (ii) from the concerned college administration, (iii) from the office of directorate of higher education and the CPO, ect, (iv) pertinent finding from the already conducted inquiry and (v) previously carried out Audit reports. These documents are categorized and in judgment D-1 to D-9, E-1 to E-25 and G-1 to G-10.

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Findings
GROUNDS:-

Brief Inquiry of Mr. Muhammad Rehman's involvement in ministry management (Dealing A/Cs members) during the terms of respective DDOs in clonnogiyal one.

1. Mr. Muhammad Rehman, Lab Assistant was transferred from Govt. College Alpuri, District Shangla to Govt. Degree College Agra, Malakand Agency vide Notification No. SO (College)-III-I/2003 dated Peshawar the 11/11/2003 (Annexure F-8). The principal / DDO at that time was Mr. Fazli Karam Khan.
2. Mr. Fazal Karim Khan Regular Principal with DDO Powers from 20/05/2000 to 11/11/2004, retired on 11/11/2001 (A-N). Audit was conducted on his retirement. He for the final time, inducted Mr. Muhammad Rehman, absolutely Assistant of Chemistry in accounts matters in place of accountant clerk.
3. Mr. Fazal Wahid, incharge Principal / DDO on the recommendations of Mr. Fazli Karim Khan from 25/08/2005, in his first tenure of office upheld the tradition and allowed Mr. Muhammad Rehman to continue his assignment amount other dealing with account matter as per practice in vogue thereof.
4. Mr. Fazli Ghafoor took over the charge as a regular Principal / DDO from 03/08/2005 to 23/04/2007 after Mr. Fazal Wahid who (Mr. Fazal Ghafoor retired on 23/04/2007 (A.N). he was inquired by Mr. Muhammad Rehman and reposed in him his full confidence and went to the extent that he wrote recommendation letter vide No. 245 dated 30/12/2006 (Annexure F-9) requesting the Director Higher Education for permanent adjustment of 1111 to senior clerk to act as colleague accountant internal audit by the Directorate of Higher education was done of the period from 13/11/2004 to 23/04/2007 on 23/26-04-2007 covering the period of Fazal Wahid and Fazal Ghafoor. The Audit team did not raise audit objection on dealing accounts matter by a laboratory assistant of chemistry, MR. Muhammad Rehman in the light of notification by the Directorate of Higher Education NWFP Peshawar, vide No. 20315/117/CA-VII/ESTT Branch dated 19/08/2003 (Annexure F-7). Had the audit team, at that time asked to follow the directive of the Director of Higher Education contained in (Annexure F-7) precluding a Lab Asstt: to deal with account matters this mega monetary corruption and the wealth of whole college record in the known history of the colleges would not have taken place. All the college financial record was taken away by Mr. Muhammad Rhman in the tenure period of Mr. Fazal Ghafoor apposedly with the consent of the then incumbent Mr. Fazali Ghafoor. The whole record of the college was perceivably brought from an unknown place to the college or the house of Fazali Ghafoor for the audit purpose d never brought back to the college after then. Reports of the college chokivar, senior clerk and different Principals are annexed as (Annexure A-39), D-1, D-2, D-3, D-4 & D-5.
5. Mr. Zia ul Haq 01/05/2007 to 28/02/2009 (About 1 year 10 months), succeeded Fazal Ghafoor. He did not take the charge of the office as principal / DDO in proper way, i.e. no formal handing / taking over on the official documents took place which was mandatory provision on the eye of relieving the outgoing officer, documents to be signed during handing over and taking over from one DDO to the other DDO amongst other are 1 cash book 2, Classified registers, 1 Govt. fee ii Private Fund, 3 stock registeres 1 selence spot etc ii General stock I Banla transaction I pass book ii Last day books.

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Statements 5 Hotels I Cash book ii Last day books statement etc etc. even after ascending the charge of the office, he adopted criminal silence and did not take timely affective medical actions needs to recover the missing record of the college. The college virtually remanded in the state of abeyance as well as company transactions were concened, due to missing of the college official record. The office record remained missing all along his tenure of Principalship / DDOship.

6. Mr. Hidayatullah Khan AP of Islamiyat from 01/03/2009 to 31/03/2009 (1 month only) relieved M. Zia ul Haq and took over the charge from him (Mr. Zia ul Haq) while he (Mr. Zia ul Haq) was transferred from GDC Agra to GDC Thana, on simple charge report sheet / performa. No obligatory formal handing over and taking over took place by signing i.e. putting signature of the relieved and relieving Govt. servants on necessary official documents because of the absence of official record in the college. Whereas the relevant record was remained missing. Solemn declaration, Affidavit (F-1) is referred.
7. Mr. Fazal Wahid 01/04/2009 to 10/05/2011, again took over the charge of DDO ship in 2009 in his acond term of office. From April 2009 to March 2010 one year period Military operation started to curb down emergency in Malakand Agency for that reason local population were displaced rather evacuated and sent to tents insulted at Mardan, Peshawar and Hazara. The manely was reached in March 200. During this period the area was in disorder. With the exception of two receipts annexed as Annexure (B-4, B-5 or A-42, A-11) nothing is available against Mr. Fazal Wahid in corruption / embezzlement case of GDC Agra. No report from the college authority or any other Govt. Agency is found against Mr. FAZAL Wahid. All the initial reports and preliminary investigation held/ Muhammad Rehman solely responsible for the grave offence, FIR No. Dated 8/9/2011 was exclusively registered with P.S ACE Malakand U/S 201/409/419/420/168/471/PRC & 5(2) P.C. Act (Annexure A-32) on the formal complaint of Prof. Abdul Hadi, the then Principal, GDC, Agra vide his letter No. 360 Dated 9/6/2011 (Annexure A-62 & A-53). Arrest warrant. U/S 204 Cr.P.C, on the basis of FIR lodged against Mr. Muhammad Rehman, was issued by the worthy Civil JudgeBatkhala, (Annexure D-6, D-7 & D-8) however, no arrest hasyet been materialized and the accused still absconder. The accused is ordered by the worthy court of law to appear before the court under section 87 Cr.P.C (anne/xure A-59), the news t this effect was published in the daily AAJ Peshawar dated 18/07/2013, news clipping annexed as (Annexure D-9).
8. Mr. Hidyat ullah khan 11-05-2011 to 24-07-2011 (1 month 20 days), again acted as Incharge principal/DDO. He as a matter of fact sandwiched the 2nd term of office of Mr. Fazal Wahid (01/04/2009-10/05/2011). He neither handed over the monclary documents to Fazal Wahid on 01/04/2009 nor taken over the lost documents from Mr. Fazal Wahid on 10/05/2011. This is clear and luid proof of the fact that the college record had never come in the custody of either Mr. Hidayatullah Khan or Mr. Fazal Wahid the status quo of objectionable, silence was maintained from Mr. Zia ul Haq to Mr. Hidayat Khan via Mr. fazal Wahid. The documents once taken away in the tenure of Mr. Fazal Ghafoor by Mr. Muhammad Rehman remained taken, allegedly taken away by him (Mr. Muhammad Rehmn) once these were allegedly taken away by Mr. Muhammad Rehman, Lab Assistant of chemistry of the college. Affidavit (F-1) referred again.

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BETTER COPY of Annexure-J Page-26

Table for GDF Advances Al Raggedly with drawn

S. No.	Bill Passed vide token No. & date	Name of (Officers/Official) Subscriber	GPF Account No.	Amount with drawn	
1.	953. Date 17/01/2008	Mr. Shahab-ud-Din, Asstt: Prof. Economics	IV/Edn/Dn/378 9/CSS	Rs.60,000 /-	
2.	6125. Date 02/04/2008	Mr. Fazal Wahid Asstt: Prof. Chemistry	IV/C1- 1/Dn/2237/CSS	Rs.20,100 0/-	
3.	7538. Date 28/08/2008	Mr. Sher Muhammad Chokdar	IV/Edn/MK/33 32/CSS	Rs.25,500 /-	
4.	21303. Date 28/10/2008	Mr. Pervaz Khan Senior Clerk	IV/Edn/MKD/2 276/CSS	Rs.84,600 /-	
The Total amount of GPF Advance drawn during Mr. Zai ul Haq period comes out to be Rs. 374100/-					
5.	9335. Date 11/05/2009	Mr. Hadyat Ullah Asstt: Prof. of Islamiyat		Rs.30,8000/-	Mr. Fazal Wahid
6.	85. Date 16/09/2009	Mr. Shahab-ud- Din, Asstt: Prof. Economics		Rs.52,7000/-	Mr. Fazal Wahid
7.	25189 Date 01/10/2009	Zai Naib Naib Qasid		Rs.40,000/-	Mr. Fazal Wahid
8.	28179. Date 19/10/2009	Faqir Shahzada Mali		Rs.25,800/-	Mr. Fazal Wahid
9.	29578. Date 24/10/2009	Hakim zada Mali		Rs.20,000/-	Mr. Fazal Wahid
10.	80. Date 07/11/2009	Mr. Bahram Khan Asstt: Prof. of Pashto		Rs.21,3600/-	Mr. Fazal Wahid

In this way Muhammad Rehman was given a free hand in accounts matters and he become all and all in financial management. He started his misdeeds, gradually, Muhammad Rehman took advantage of connivance and lactic consent of Mr. Fazli Ghaoor, criminal negligence and purposeful silence of Mr. Zia ul Haq, behind faith and carelessness of Mr. Fazal Wahid and unconcerned posture and insufficient attitude of Mr. Hidayatullah Khan to move forward towards his corruption and civil designs. E also got corruption from accounts office and National Bank and some official of the Directorate of Higher Education. Thus he committed gross financial irregularities with impunity. Mr. Muhammad Rehman's clever moves to bring will accusations of receiving illegal gradications (Bridges 0 against some officials of the Directorate of Higher Education and others from him (Annexure B-7 and B-8 and B-9) on one hand placed the alleged accused (Officials officers) to defense and on the other and confirmed the confession of sole involvement in the offence of financial misappropriation, embezzlement and corruption it also confine his total and individual responsibility it all financial damages.

The case should be handed over to FIA or ACE and all the college record should be retrieved from him, so that all the financial losses to the college/ Govt. Exchequer during the period w.e.f. 24/04/2007 to 30/06/2011 (04 years 02 months and 06 days) can be accused / stimulated and recovered from him in due proportion.

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- a) From 17/01/2008 to 28/02/2008 at was the some of Mr. Zia ul Haq During which The GFC Advance from S. No. 1 to S. No. 4 was drawn immediately.
- b) From 11/05/2009 to 07/11/2009, the tenure of Mr. Fazal Wahid at was the unblocked period due to Military operation on the area escualantly nothing was in place. All the GP Fund Advances from S. No. 5 to S. No. 10 was drawn during the declined period.
- c) The Audit of the period placed on block from 24/01/2007 to 01/08/2011 with centel out due to the none availability of the available record on the college when he had been taken away by and too shall on the ordary of Mr. Muhammad Rehman.
9. Mr. Abdul Hadi 27/07/2011 to 09/01/2013, made all his monetary matters on the record maintained by Mr. Abdul Hadi.
- Audit of the period from 01/07/2011 to 31/07/2013 has been conducted by the audit party of the Directorate of Higher Education, Peshawar, covering the period of Mr. Abdul Hadi and Mr. Noor Zaman and the audit report is submitted to the Director Higher Education for Information and necessary action. The names of the audit team were Mr. Fazli Rehman AD (A) and Mr. Fazli Rehman, Accountant.
- Out of two receipt produced by Muhammad Rehman and the same by Mr. Fazal Wahid bung with their reply of questionary served to them.
- Mr. Muhammad Rehman produced two receipts of payment viz (B-4 to B-5) one of the month Rs. 1893000/- signed by Ex-Principal, Mr. Fazal Wahid and allegedly paid to him Fazal Wahi. Second receipt of the amount Rs. 865000/- allegedly paid to Mr. Parvez Khan senior clerk and attested by Mr. Fazal Wahid, Mr. Fazal Wahid produced the same two receipts annexed as (A-12 and A-13) with the claim that the receipts are bogus, the amount recorded on the receipts is fake and only the signature are genuine, which had been obtained on blank papers for the purposes to be used in connection with the communication and pension purpose, where the need be.
- Mr. Fazal Wahid obtained one column statement (Annexure A-64) and one affidavit on judicial stamp paper in support of his claim (Annexure A-65) stating ad affirming hi signature on the receipt to be genuine (Only the signature) but the statement was fake it was written afterwards. Similarly the dates and the places (Payment attached) were also fake and not written by him. According to Mr. Fazal Wahid, Mr. Muhammad Rehman came to his house and got blank papers signed for LPR and other uses the college is at a remote area and due to problems of transports and communication, this practice was in vogue, Mr. Parvez Khan also declared the receipt an his signature as forged and fake (Annexure F-2, 1 and F-2,2).
- It is indeed surprising that the whole amount of money Rs. 865000/- of Zia ul Haq's tenure kept with Mr. Muhammad Rehman, as this amount was neither given by Mr. Zia ul Haq to Mr. Hidayatullah at the time of transfer of charge nor was deposited in the college account of disbursed the due amount among the college staff accordingly. It was afterward give to Mr. Parvez Khan on 10/05/2011 which is the superannuation date of Mr. Fazal Wahid, if Muhammad Rehman could pay Rs. 1893000/- to Mr. Fazal Wahid, then why did he not pay Rs. 865000/- to the same person say Mr. Fazal Wahid or the portion amount of GPF Advances to the real owners (Officers and Officials) whose GPF Advances, has been drawn by him (Mr.

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Muhammad Rehman). The timings and facts are not in consonance with the events. Even if these receipts are supposed to be correct, the keeping of entrusted money with him (Mr. Muhammad Rehman) for such a long time is itself embezzlement & obtaining these kinds of receipts at such time itself tantamount to fraud. Had Mr. Fazal Wahid involved in such type of embezzled would corruption, there would have been no need of giving receipts or attesting the payment to third person for other's amount say Rs. 865000/-.

Therefore, the committee can safely declared the receipts contents to be bogus except signatures of Mr. Fazal Wahid which have been obtained fraudulently on the pretext of using for some other genuine purposes for which they were obtained. Hence Mr. Fazal Wahid and Mr. Pervez khan may be absolved from burden and liability of both the receipts in question, being discreditable.

The period during which the college record including the college computer was taken away stolen and by whom criminal activities encashed.

As per solemn of the college Chowkidar Mr. Faqir Shahzada, verified by the other fellows class-IV servants, namely M/S Zair Nabi, Abid Hussain, Muslim Khan, Zakir Hussain, Hakim Zada, Sahib Gul, Sadiq Khan and Mr. Parvez Khan, Senior clerk, attested by Mr. Abdul Hadi, former Principal and now a staff member and endorsed by the then Principal of the college Mr. Noor Zaman, the whole office record of the college and one computer, presumably containing the college record data in its memory, (A-78; D-3) was taken away out of the college by Mr. Muhammad Rehman Lab Assistant of the college in a private vehicle. According to the chowkidar (Faqir Shahzada) the forbad him (Muhammad Rehman) by dissuading him (Muhammad Rehman) objecting as to why he was taken away the college record, he (Muhammad Rehman) replied that the then Principal Mr. Fazali Ghafoor had allowed him to do the same. As he (the then Principal) was not present in the college at that time but when after a few days he came to the college the matter was reported to him in the presence of above mentioned class-IV employees and the senior clerk and that he had not returned the same to the college but to no avail.

Attested
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27/12/2008
Fazal Wahid
[Signature]

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Referred to the Director of Higher Education for thorough probe and remedial measures for future reference). Mr. Abdul Hadi in his tenure as Principal lodged formal complaint against Muhammad Rehman about the stealth of college record and gave the detail of documents taken away by him (D-S) Noor Zaman, the then Principal also gave his hand written statement endorsed by his predecessor Principal Mr. Abdul Hadi, stating that he took over the charge as the Principal of the college on 02.01.2012 and found the whole college record prior to 01.07.2011 missing and reported to have been taken away by one Muhammad Rehman and himself was continuously absent ever since he had taken over the charge (D-4). An FIR to this effect had been lodged by the then Principal. The case is proceeding in the court of law in which he is reportedly at large being absconder. (A-59, A-60, A-61; A-63; D6; D-7, D-8 & D-9). Recently the setting Principal has also tried to get registered a fresh FIR against Muhammad Rehman Lab Assistant in Post Commander, Levies Post Agra, demanding the recovery of college record mentioned in the application Vide No. 354 dated 23/11/2013. (D-4 & D-2).

The whole of the information sources to whom we consulted, unanimously and consistently the all honestly and beyond reasonable doubt, confirm that the college official record had definitely been taken away by Mr. Muhammad Rehman, Lab Assistant of chemistry of the college and that he is unenominously absent from his duties.

The detailed estimate of ambezzled money in various hands including GPF Advance as collected from all available sources of information.

The detail of the GPF, Advance amount annual as fraudulently drawn and embezzled pointed out by various inquiries conducted so far is specified as follows.

1. On the basis of intioal report submitted to the Anti-corruption Establishment Malakand and preliminary investigation made by the ACE, Malakand on 08/05/2011, the amount embezzled viz GPF Advance is Rs. 767900/- and that of other embezzlements Rs.420600/- collectively Rs. 1188500/- was shown. Copies of the FIR and investigation report are placed at annexure (A-62 and A-63).
2. After giving thorough the fact finding inquiry report compiled by Mr. Fazali Subhani, Principal GPGC Dargai, Malakand the committee got the information about amount embezzled by Mr. Muhammad Rehman is as follows. In GPF Advance Rs. 1332400/- and in other hands 811600/- accumulatively Rs. 2144000/- (inquiry report is available in the office of DHE).
3. Inquiry report prepared on 08.08.2011 by Mr. Shafi, Assistant Accounts Officer, Mr. Sahibzada Shehryar, Senior Auditor and Mr. Essa Khan, Senior Auditor regarding GPF advance embezzlement/fraud in DAO malakand and found the amount embezzled in GPF advance only is Rs. 1303500/- and the report is silent about rest of the embezzlements. This report gives no reference of the other amount under different relevant heads (Report is available in the officer of DHE).
4. Mr. Muhammad Rehman and Ex-Principal, Mr. Fazli Wahid, both have produced two number of receipts, (Exhibited as B-4 and B-5; A-11) by former for certification of payment and by later for rebuttal/denial of receipts farming them being fake respectively. The amount shown therein is Rs. 1893000/- signed by the Ex-Principal Mr. Fazal Wahid and Rs. 865000/- by Mr. Pervez Khan senior clerk and attested by Mr. Fazal Wahid, thus making gross total amounting to Rs. 2758000/-.
5. As far as GPF advances are concerned the net amount assessed on the basis of written applications filed by the effectees and forwarded by the principal, under his endorsement No.136 dated 08/04/2013 along with enclosure as annexed as annexure G-1 to G-10 to be Rs. 1535900/- and rest of the amount cannot be credibly ascertain due to the non availability of the authentic record.

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After examining the different availed audit reports the monetary part of which are produced as above all give the different accounts of amounts so embezzled by Mr. Muhammad Rehman, Lab Assistant of Chemistry at GDC Agra, Malakand Agency.

There is no match in the amounts however, the receipts produced by Mr. Muhammad Rehman and claimed to have been paid to Mr. Fazal Wahid Ex-principal and Mr. Pervez Khan senior clerk may be seen as sort of self confessional amount on the part of Mr. Muhammad Rehman which is somewhat close to the time of actual embezzlement amount.

There is no office record of any transaction made during the period from 24/04/2007 to 30.6.2011. this is also reflected in audit report dated 10.12.september, 2013 submitted by Mr. Fazali Reman Assistant Director Audit and Assistant Auditor Mr. Fazli Subhan, Directorate of Higher Education Peshawar. (Audit report is available in the officer of DHE).

The above mentioned amounts vary therefore irreconcilable and none of them can be suitably proved authentic or otherwise in the absence of authentic relevant record. Moreover, the above amounts partially indicate the detail of MRC's A.C bills claimed and drawn plus the amount of TA/DA and charcoal allowances besides GPF Advances, so it becomes imperative first recover the record from Mr. Muhammad Rehman, Lab Assistant through law enforcing agencies would thereafter authenticate the record, estimate the amount in question and take into account through experts in the field of Budget, Audit and Accounts of the Directorate of Higher Education for recovery purpose.

During the period w.e.f 24.04.2007 to 30.06.2011, five regular annual fiscal budget and special grants viz

1. 01-07-2006 to 30-06-2007 (from 24-04-2007 to 30-06-2007)
2. 01-7-2007 to 30-06-2008
3. 01-07-2008 to 30-06-2009
4. 01-07-2009 to 30-06-2010
5. 01-07-2011 to 30-06-2011

were allowed and released to G.D.C Agra Malakand agency which have/had been supposedly utilized by the various incumbents, and no order was carried out for the above period.

The regular annual budget and the special grants for the financial year 2006-07 was spent by Mr. Fazali Ghafoor as the Principal/DDO. The departmental audit was conducted up to 23.01.2007, the date of his retirement. Further audit from 24.04.2007 to 30.6.2011 could not be conducted for the various reasons. During the period the regular budgets and special grants were utilized or supposed to be utilized by the concerned DDO's or in charge Principals whose details is given below.

Mr. Zia ul Haq.

1. From 24.01.2007 to 30.6.2007; 2 months and 6 days from the remaining budget special grants allocated for the year 2006-07.
2. Full budget and special grants allocation for the year 2007-08.
3. From 1.07.2008 to 28-02-2009; 8 months out of the regular budget and special grants for the year 2008-09.

Mr. Hidayatullah khan

From 04/03/2009 to 31/03/2009, one month the college remains under the control of Mr. hidayatullah, therefore one month expenditure out of 2008-09 regular budget and was special grants was supposed to be supervised by mr. Hidayatullah khan.

Mr. Fazal Wahid.

Attested
[Signature]

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As far as pupils fund and Govt: fee collected by the admitted students, all kinds of scholarships, donations and endowments etc during the period not audited from 21.01.2007 to 21.6.2011 are concerned, it cannot be calculated without the availability of the credible official and which has allegedly been taken away by Mr. Muhammad Rehman, Lab Assistant of the college.

The rules of the District Accounts Office Malakand and that of the related Bank Branches of the embezzlement by Mr. Muhammad Rehman.

The committee started to discover how the cheques issued to various Officers/officials would be encashed for GPF advances amount from the bank unless they were opened by the accounts officer and verified by the dealing employees of the bank, who processed the cheques crossed cheques were opened which made withdrawal possible. Had the cheques not opened there were lease chances of amount could have been drawn. It means the District Accounts officer, Malakand was in league with Mr. Muhammad Rehman and to certain extent, the dealing employees, through whom, the cheques were processed and the related Bank officers and officials specially the cashier who finally made payment seem accomplice.

The ugly business of GPF Advances extraction of the following officers/officials started the tenure time of Mr. Zia ul Haq's Pricipal ship/DDO ship.

- 1) Prof. Shahab Ud Din, Initially Rs. 60000/-.
- 2) Prof. Fazal Wahid who later on became principal and now retired Rs. 20,1000/-.
- 3) Mr. Sher Muhammad College Chowkidar Rs. 25,500/- or Rs. 30000/-.
- 4) Mr. Pervez Khan Senior clerk Rs. 8,1600/- of Rs. 88600/- which were taken out/drawn in January, April, August and October of 2008 by fraud.

The Accounts officer Malakand should have issued balance sheets on time. In that case concerned people and

Attested
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28

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Couples of general would have come to know about it and the money loss would have been avoided. The money drawn would have been made in pay to the real owners. And this ugly business would have come to a stop. People would have become conscious and careful, similarly extraction of GPF Advance of others by fraud and engulf would not have been possible. In this way the college and the Government Ex-exchequer would have been saved from losses. So the accounts officer by not starting deduction of the due installments and no nominee of balance sheets at right time kept the concerned subscribers in dark of withdrawal of their GPF advances. Consequently the fraud continued without check, and entered in the tenure should of Mr. Fazal Wahid via Mr. Hidayatullah who also remained unaware of his own GPF advance and all other ugly business going on all along and all around his tenure, though his was ambulant period due to Swat Military operation against insurgency. In this way the accounts officer not only showed negligence from his official's duty but also became part of the ugly business indirectly. Bank officers/officials also showed carelessness which tantamount to neglect of duty. This fraud did not face any resistance at an step. In this regard SMS,s and applications of Mr. Muhammad Rehman were worth noticing which from weighty nexus. Therefore this committee consider the Accounts officer and his GPF related staff equally responsible and can be held accountable and also shows its regret at related Bank officers/officials. It is very astonishingly for the inquiry committee to observe that the fraudulent draws of GPF advances started w.e.f January, 2008 and continued unabated to November 2009. Neither the reductions of the necessary installments from the salaries of the concerned subscribers were made nor were the balance sheets of their GPF ever issued in due course of time. But the sooner in the leakage of information about the embezzlement and corruption, the Director Higher Education appointed Mr. Fazli Subhani, the Principal GPGC Dargai Malakand Agency for the inquiry of the matter on 20/6/2011 vide No. 16232/CA-VII/Estt; Branch dated Peshawar the 20.6.2011 the very next day i.e 21.6.2011 the corresponding process was initiate/activated by the DAO Malakand by issuing a letter No. DAO/MKD/Fund/2010-11/2445 dated 21.6.2011 to the Principal GDC Agra, Malakand Agency (copy not traceable) about the matter in question, followed by two more such letters o. DAO/MKD/FUND/2010-11/3534-35 dated 12/07/2011 (annexure-E2) and No. DAO/MKD/G4/2011-12/3562-65 dated 16/07/2011, annexure- E-3) vividly in quick succession in response to a joint application moved by i. Mr. Hakim Zada Mali, ii. Mr. Zair Nabi Naib Qasid and iii. Mr. Pervez Khan, Senior Clerk requesting for the stoppage of GPF Advance recoveries installments (Annexure E-1) which indicates close and live co-ordination of network amongst various circle against a poor principal/DDO rendering him (Principal) ignorant and helpless.

CONCLUSION

Mr. Muhammad Rehman had been working from 2001 to 2011 as accounts clerk instead of lab Assistant. He has been too clever and crafty person requires bold shrewd and extremely vigilant DDO. The officers of the education department are normally of compromising attitude and repose trust in their subordinates and do not harbor bad opinion about them. The clever and crafty take undue advantages of their simple nature. What should a principal/DDO do when accounts office and other relevant offices and the bank management help such a crafty man against the DDO. Taliban unrest in the area also facilitate the crafty characters to take undue advantages. Mr. Rehman's indulgence in corrupt practices is also evident from his receipt, SMS's records produced by Mr. Fazal Wahid and cheques issued to some officers/officials and forgot entry of Fazal Wahid (Annexures A-13, A-44, A15, B-10, B-11, A-16, A-17, A-86.2, A-86.3 and A-48). The cross cheques were deliberately and

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(43)

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BETTER COPY OF PAGE-33

Purposefully opened which resulted in withdrawal GPF advances, Govt: grants from the treasury and the banks. In this way account officer Malakand and only want against the call of his duty dictating him to follows rules and regulation but become part of fraud, the bank officials and officers also acted without cautions and prudence. Therefore this committee regards the account officers and the concerned officials as partner in the crimes and also shows utter regrets at the responsible believers of the bank officers and officials.

All the college financial documentary record was taken away from the college by Muhammad Rehman in the team of Mr. Fazal Ghafoor with presumably collusion and consent of the incumbent, Mr. Fazal Ghafoor. He connived with Muhammad Rehman and did not take serious steps to recover the lost record by evolving right strategy necessary for the safe return of record bank to the college. He as a matter of fact laid the foundation of fearless corruption.

Mr. Zia ul haq showed criminal silence and put certain crimes committed by Mr. M. Rehman. He did not take prompt action to force Muhammad Rehman to bring back stolen documentary record. His timely action would have saved the whole debacle. This ugly business would have been stopped at early stages. He could have claimed the main character Muhammad Rehman and other affecters viz, officers/officials of accounts office, Directorate office and the banks. In this way the college and the public Ex-checker would have been saved run further damages.

Mr. Hidayatullah khan had responsibility of taking the charges twice. He also remained all of the senior members for a long time. He deliberately did not play his due rule as a Govt: officer for the stoppage of the ongoing crimes. He played the rule of a silent spectator which amounts to the betrayed of the responsibilities of a Govt: officer the management of Govt: rust, which the Govt: reposes in its gazetted officer as employer.

The committee agrees with the contents of the applications of the notable of the area namely Haji Noor Zamin Khan CNIC No. 15402-1425385-9, Haji Bahri Karam CNIC No. 15401-8983435-5 and Haji Raidad Gul CNIC No. 15402-9511134-5 (Annexures E-4.0 and E-14) also (Page No. 31 and 45 and 48-50 of Mr. Subhani's Report) filed with Mr. Fazli Subhan, the Principal GPGC Dargai, Malakand Agency that Mr. Fazal Wahid is a simple, pious and an Innocent man. He is as well not involved in the embezzlement/corruption but is tactfully trapped in the corruption scandal a drama staged by the real character/perpetrators. Some references are of paramount importance (Annexures A-6.1, E-5, E-6, E-7, E-8, E-9, E-10, E-11, E-12, E-13 and E-19). The irony of fate/circumstances is given him enough punishment in the form of suspension of release of commutation and pension for such a long time. He misfortune that despite several attempts he could not get transferred to the Govt: postgraduate Jehanzeb College, Sadu Sharif, Swat (Annexures A-15, A-16, A-18 and A-19) and had to retire from the same very college after reaching the superannuation. There were extraneous circumstances for his failure to effectively control the management, such as the sooner he assumed the charge of principal/DDO, many operations started and continued for about one year in his tenure. Also during his tenure he met different fatal accidents due to that his health broke down and he became physically handicapped thus inactive. The college lies at a remote mountainous terrain with different approachability and not easily communicable. Consequently it became not possible for him to travel all along to different officer and keep himself abreast with routine development. The letters he used to writ to the Director of Higher Education were not allowed to reach their destination because of erecting a strong wall around him. This wall delivered news blackout due to the creation of communication gap between the college and the Directorate of Higher Education. Once he himself visited D.H.E, Peshawar with (19) pages written report/documents aimed to submit directly and discuss verbally in detail with the Director of Higher Education

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But unfortunately could not meet the Director of Higher Education as he had gone to Kohat on official visit, When Fazal Wahid came to know about the mismanagement of the money corresponding are found on the record that he did struggle to save the system from further deterioration. Authorities once issued to Muhammad Rehman to deal with D.A.O Banks and the treasures were cancelled and Muhamad Rehman was issued many letter for return of official documents in his custody and the money he had drawn fraudulently and illegally kept with him. Fazal Wahid tried to intimate the higher authority for the state of affairs and solicited for the joint strategy to be evolved to curb menace. The letters written to the DAO Malakand and the related link were proved ineffective (Annexures A-5, A-12, A-21, A-22, A-23, A-24, A25, A-26, A-27, A-40, A-69, A-74, A-76, A-77, A-78; B-3, B-19, E-19, E-20, E-21, E-22, E-23, E-24, E-25 and E-26. Those were the reason for his weak grip on the already withered affairs of the college. His effort to introduce a ameliorative reforms were battled by the unscrupulous lobby of joint venture. This committee therefore recommends that his application A-1, E-15, E-16 and E-17 may be accepted and he may be issued NDC for the release of his commutation and pension according to spirit of FR-54-A (Annexure A-6, E-18.2 and E-18.3). However an affidavit on a judicial stamp paper be taken from him that I after any new minute scrutiny in future any monetary misappropriation is found against him, recovery be made from him. In the instant case some penalties should be fall him also.

RECOMMENDATIONS

In the light of above points, the committee recommends the following.

- i. Muhammad Rehman, Lab Assistant stands the mega culprit. He may be got arrested for the recovery of the office record.
- ii. The Principal Fazal Wahid may be allowed commutation and pension benefit and an affidavit on judicial stamp paper offering the payment of my amount pointed out by the minutes detail audit in future after the recovery of credible official record.
- iii. The concerned Accounts officer who dared to open the crossed cheques causing all this corruption may be penalize and inquiry to this effect be initiated against him.

Part A. GPF-Advance

The committee unanimously declares the amount viz, Rs. 1508500/-as reported by the enquiry committee comprising Mr. Muhammad Shafi, AAO, Sahibzada, Senior Auditor and Mr. Essa Khan, Senior Auditor to be the actual amount. The recovery of the said amount along with interest accrued therein may be materialized as per detail below:-

- i- Mr. Muhammad Rehman, Lab, Assistant.....50%
- ii- The District Accounts Officer, Malakand.....10%
(during the period from 2008 and 2009).
- iii- The Bank Officer/official.....05%
(during the period from 2008 and 2009).
- iv- Mr. Muhammad Khalid, dealing clerk Directorate of higher education...05%

Attested

[Signature]

Part B- budget and special grants

The Committee had gone through the embezzlement amount from budget and special grants, etc, and recommended that:-

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Budget and accounts branch of the Directorate may be directed to calculate the total Rules of budget and special grant allocated to GC Agra for the period (2006-2011), the amount so calculated may be recovered as per following detail:-

i-	Mr. Fazal-i-Ghafoor,	Ex-principal.....	10%
ii-	Mr. Zia ul haq	Ex-principal.....	10%
iii-	Mr. Hidayatullah khan	Ex-principal.....	05%
iv-	Mr. Fazal Wahid	Ex-principal.....	05%
v-	Mr. Fida Muhammad	Accounts Officer ...	05%
vi-	Mr. Pervez Khan	Senior Clerk.....	05%
vii-	Mr. Muhammad Rehman	Lab Asstt:.....	10%

Part C. pupils fund and Tuition/Admission/Hostel fee

Order to estimate realization of pupils fund and Govt: fee the experts from Budget, Accounts and the Audit Branches of the Directorate of Higher Education may be directed to form joint censure and visit GDC, Agra to search for exact strength of students duly admitted from 1st year 4th year during the academic sessions starting from 2006 to 2011. this combined team should meet members of admission committees constituted during different academic sessions, Incharge students affairs, bursar of the college, warden of the hostel and other members of the college administration during the unedited period. The committee may also be directed to visit concerned BISE and the university to find out the exact numbers of students registered for that period and took exams, Result gazettes from 2006 to 2011 be consulted for cross checking of actual number of students admitted in the said period. That total amounts so estimated may be added 10% extra for struck off students and for those who did not take exam for other reasons.

The difference between the genuine amount so estimated and that of Govt: fee deposited in Govt: treasury and pupils fund in the college account maintained in the bank may be reconciled respectively. All the money estimated should be subjected to audit for expenditure made in the period 24.4.2006 to 30.6.2011. the the doubtful amount not satisfying the team may be declared as amount embezzled and be recovered from the following effect/official as per percentage ratio given against each.

i-	Mr. Fazal-i-Ghafoor,	Ex-principal.....	10%
ii-	Mr. Zia ul haq	Ex-principal.....	10%
iii-	Mr. Hidayatullah khan	Ex-principal.....	10%
iv-	Mr. Fazal Wahid	Ex-principal.....	10%
v-	Mr. Pervez Khan	Senior Clerk.....	10%
vi-	Mr. Muhammad Rehman	Lab Asstt:.....	50%

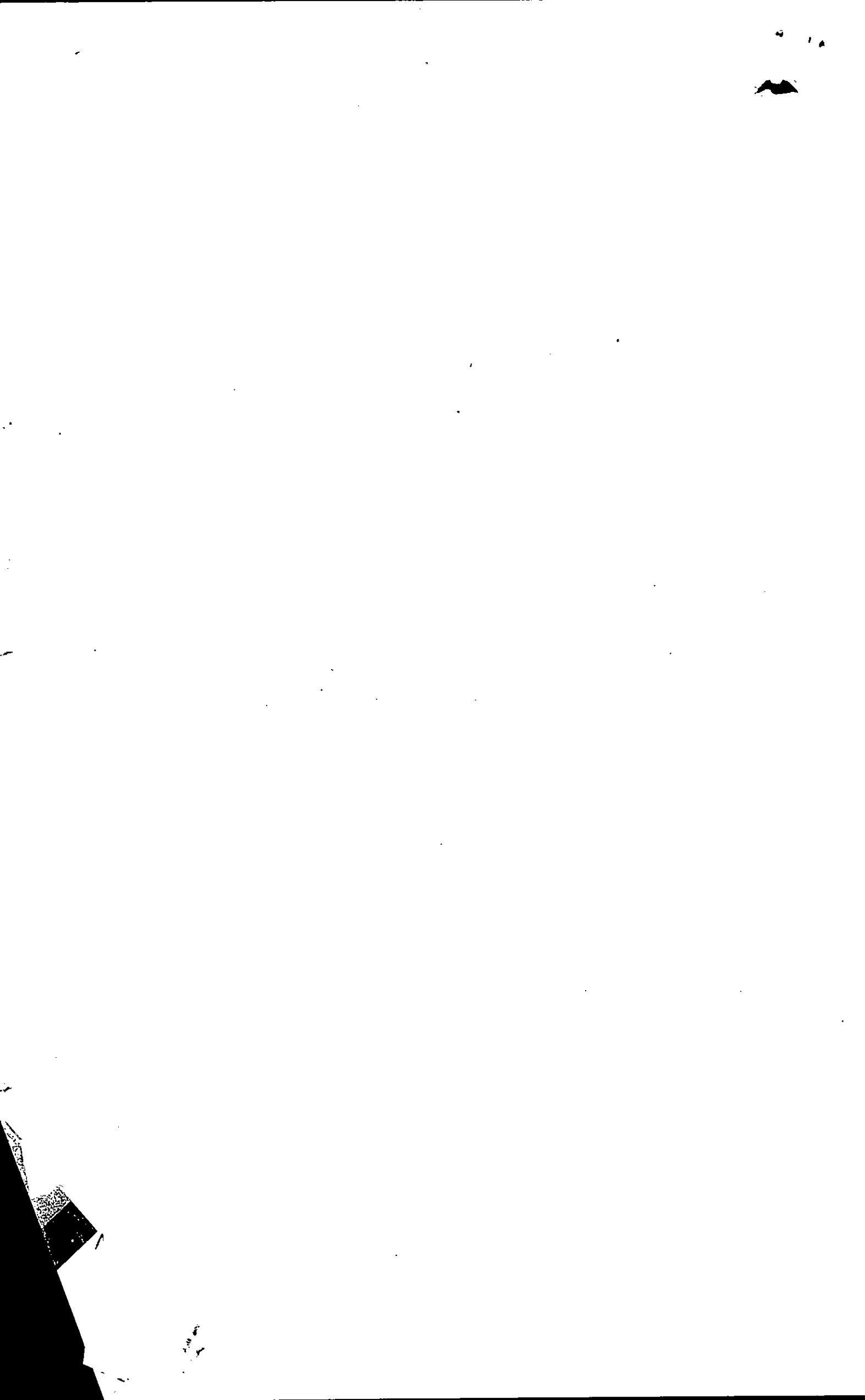
The report is submitted for perusal and necessary action please.

Committee:-

1. Prof: MMunsif Khan
Principal, GPGCm No.1 AJD (Chairman)
2. Prof: Ajmal Shah
Principal, GDC, Khairabad (Mardan) (Member)
3. Prof: Qutbud Din
Principal, GDC, Lahor (Swabi) (Member)

Attashed

af.



Office of the
PRINCIPAL GOVT. DEGREE COLLEGE AGRA

S.A.No.1230/2016

Mr. Muhammad Rahman-----Appellant.

Govt. of Khyber Pakhtunkhwa
Through Secretary and Director,
Higher Education Peshawar. -----Respondents.

Subject: **PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 3.**

Preliminary Objections:

1. The appellant has got no lacus standi/cause of action to file the instant appeal.
2. The appellant has not come to this honourable tribunal with clean hands and conceal material facts.
3. The instant service appeal is badly time barred.
4. This honourable tribunal lacks jurisdiction to entertain the present appeal.
5. The appellant is estopped by his own conduct to file the instant appeal.

FACTS:

1. Correct that appellant was appointed as Laboratory Assistant in the Higher Education Department.
2. Subject to Proof.
3. Correct to the extent that appellant was transferred to Government Degree College Agra, (MKD) but in performance of his duty, the appellant committed embezzlement in the College Accounts, private fund, G.P Fund, Medical Allowance, Admission Fee and Tuition Fee.
4. Incorrect. The Principal, Government Degree College Agra, (MKD) sent a letter bearing No. 360 dated 09/06/2011 about the alleged embezzlement of College Accounts consequent upon the letter the respondent also constituted an enquiry committee under the chairmanship of Prof. Fazli Subhani Principal Government Postgraduate College Dargai (MKD) on 20/06/2011 to probe into corruption of the appellant i.e Muhammad Rahman. It was recommended by the inquiry officer that the case of the appellant may be forwarded to Anti-Corruption and National Accountability Bureau (NAB). The inquiry officer also recommended the F.I.R may be lodged against the appellant. Therefore, F.I.R was lodged against the appellant under section 419; 420,468,471,201/502 PPC by the Principal and perpetual warrant of arrest has been issued from the Court of Law. The record shows that the appellant has made huge corruption in the College and caused great loss to the Government Exchequer as well as to the poor employees of the College. Therefore, the respondents have to stop his salary of the appellant since 2011.
5. Correct that F.I.R No.12 dated 05/12/2013 has been registered against the appellant u/s: 381 PPC.
6. Correct that appellant has been suspended from w.e.f 09/06/2011 till termination of proceeding/case.

Muhammad
Principal
Govt. Degree College
Dargai Daisard

7. Correct to the extent that two inquiries were conducted to probe into the matter. In both inquiries, the appellant was declared as main culprit in the embezzlement of Funds.
8. Incorrect. The appellant was proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rule 2011, for his involvement in embezzlement and his wilful absence from duty w.e.f 23/08/2010. The inquiry committee after having examined the charges, evidence on record of the accused official, recommended to recover the embezzled amount. The Director Higher Education after having considered the charges, evidence on record found him guilty and impose major penalty of removal from service upon the appellant. Hence the removal order has been issued within the four corners of law.
9. Incorrect. The Department appeal of the appellant has been regretted by the competent authority with the direction that efforts may be made for recovery of amount of G.P Fund as allegedly embezzled from the defaulting persons including the appellant.

GROUND:

- a. Incorrect. The impugned order has been passed in accordance with law.
- b. Incorrect. As explained in the preceding para.
- c. Needs no comments.
- d. Incorrect. The inquiry so conducted against the appellant is legal and in accordance with rules and law.
- e. Incorrect. The inquiry committee under the chairmanship of Prof. Munsif Khan, served questionnaires upon the various officers, officials and Mr. Rehman, appellant filed his written reply to the inquiry officer. Incorrect. All the codal formalities have been fulfilled by the inquiry committee.
- f. As explained in the preceding paras.
- g. As explained in the preceding paras.
- h. Pertains to record.
- i. Incorrect. The respondents are the law abiding Civil Servants.
- j. Incorrect. The impugned order is not arbitrary, unilateral and whimsical.
- k. Incorrect. The inquiry committee proved the charges against the appellant and he has rightly been removed from service.
- l. The respondents may be allowed to raise additional grounds at time of hearing of the instant case.

Prayers:

It is therefore, humbly prayed that the instant service appeal is based on mis-statement/mis-conception and hence, may graciously be dismissed with cost.

Principal
Govt. Degree College,
Agra Malakand
Principal
Govt. Degree College
Agra Malakand

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

Mr. Muhammad Rehman----- (Appellant)

VS

Government of KPK through Secretary Higher Education Department Khyber Pakhtunkhwa Peshawar and Others. ----- (Respondents)

Written reply on behalf of Respondent No: 04

Respectfully Sheweth: - Written reply on behalf of Respondent No. 04 is as under:-

Preliminary Objections:

1. That the appellant has got no cause of action against the Respondent No. 04.
2. That the appeal is incompetent in its present form.
3. That the appeal of the appellant is not maintainable due mis-jounder and non-jounder of necessary parties.
4. That the appeal of the appellant is based on malafide intention only to indulge the Respondent No. 04 in futile litigation and for the wastage of precious time of the Court. In fact the Respondent No. 04 only followed the instructions of the Department submitted in the shape of sources/order for the inactive of pay of the appellant; otherwise the Respondent No. 04 has no command to stop the pay of any Government Employees without reasons.
5. It is worth to mention that the same nature cases of the appellant is also pending in the Peshawar High Court/ Dar-ul-Qaza, Swat writ petition No 360 of 2016.

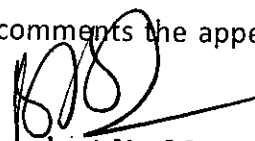
Facts:

1. No comments.
2. No comments.
3. No comments.
4. Para No. 04 is totally incorrect hence denied. Detail reply is given in Para No. 04 of the preliminary objection.
5. No comments.
6. No comments.
7. No comments.
8. Not related
9. No comments.

Grounds:

- A. In response of Para (A). Detail reply is given in the preliminary objection in Para No. 04.
- B. No Comments.
- C. No Comments.
- D. No Comments.
- E. No comments.
- F. No Comments.
- G. No comments.
- H. No comments.
- I. So far Para No. (I) is concerned the Respondent No. 04 only follow the instruction of the Respondents, which received in the shape of sources for the stoppage of salary of the appellant.
- J. No Comments.
- K. No Comments.
- L. No Comments.
- M. No Comments.

It is therefore requested that on acceptance of this reply/ comments the appeal of the appellant may be dismissed please.


Respondent No 04

District Accounts Officer Malakand

بعدالت

کوریٹ فیس

قیمت ایک روپیہ

مورخہ

مقدمہ

دعویٰ

جرم

۲۰ منجانب Applicant

بنام

محمد رحمن

باعث تحریر آنکہ

مقدمہ مندرجہ بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ آن مقام مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ ڈائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ بصورت ضرورت مذکور کے نسل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ

برواختہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب سے ہا گا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا ک سند ہے

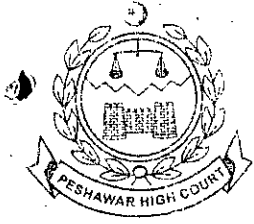
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العبد گواہ شدہ العبد

کے لئے منظور ہے

Attested and Accepted by

محمد رحمن



The
PESHAWAR HIGH COURT
Peshawar

All communications should be addressed to the Registrar Peshawar High Court, Peshawar and not to any official by name.



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Fax: 9210170

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info@peshawarhighcourt.gov.pk
phcpsh@gmail.com

No. _____/MRC

Dated Peshawar, the _____

From:

The Director,
Human Rights' Cell,
Peshawar High Court,
Peshawar.

To

The District & Sessions Judge,
Swat.

Subject:

COMPLAINT (# 13021)

Sir,

I am directed to forward herewith a copy of the subject complaint submitted by Mr. Muhammad Rehman, for free legal aid to pursue his case, titled Government Vs Muhammad Rehman and Muhammad Rehman Vs Government pending in the Court of Special Judge Anti Corruption Camp Court Swat and Service Tribunal KPK Peshawar Camp Court Swat, respectively. The same be placed in the meeting of DLAC for doing the needful, under intimation to this Cell within 14 days, to be placed before Hon'ble the Chief Justice, please.

Director,
Human Rights Cell

Endst. No. 10471/MRC

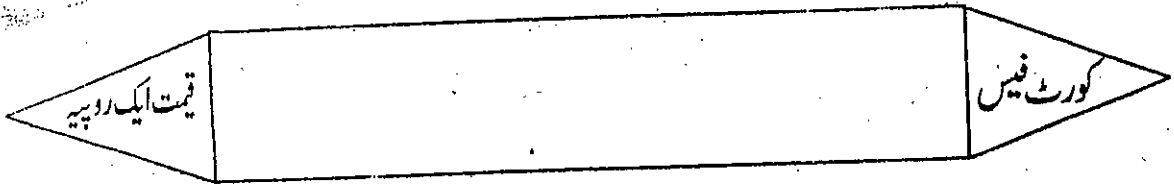
Copy forwarded for information to:

Dated Peshawar, the 12/12/17

Mr. Muhammad Rehman S/O Amroz Khan R/O Mohallah Faiz Abad Alpuri District Shangla.

Director,
Human Rights Cell

بعدالت خبر بخواتم خواه کروں نرسونل سبب کورٹ سوات



مورخہ 5 مارچ ۱۹۸۰ء منجانب اسلام آباد
مقدمہ محمد رحمان بنام حکومت
دعویٰ سروک و اسل
جرم
باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام منگورہ سوات کے گیلڈ سسرٹ ڈاکٹر عزیزان خان مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موضوع کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقریر ثالث و فیصلہ پر حلف دینے کو جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقریر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہر جانہ التوا اپنے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند ہے

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۵ مارچ

المرقوم

واہ شہد العبد

Attested

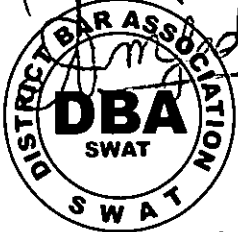
بمقام منگورہ سوات Accepted کے لئے منظور ہے

Barrister
Dr. Adnan Khan
Advocate High Court

15501-63252679 محمد رحمان وکل

بار کونسل نمبر: 2362
 بار ایسوسی ایشن نمبر: 89
 رابطہ نمبر: 0342-9472325

سریل نمبر: 31654
ڈسٹرکٹ بار ایسوسی ایشن سوات



بعدالت جناب: جسٹس سر سربونل خیر بختوخوا ایٹا وزیر عظام سوات

دعویٰ اور خواست:	سروس ایپیل نمبر 123
علت نمبر:	منجانب: ایپیلانٹ
مورخہ:	مکرمہ
جرم:	مکرمہ
تھانہ:	مکرمہ

باعث تحریر آتکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے برائے پیروی مقدمہ

آن مقام سوات کیلئے: **لو سلفے خان ایڈووکیٹ** کو مقرر کر کے

اقرار کیا جاتا ہے، کہ صاحب موصوف کو مقدمہ کی کل کارروائی کو کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث کرنے، دعویٰ جواب دعویٰ، اقبال دعویٰ، اور درخواست برائے سرسبزی مقدمہ، منسوخی ڈگری یکطرفہ، اجراء و پیروی کرنے کا مختار ہوگا۔ نیز دائر کرنے اپیل نگرانی، نظر ثانی و پیروی کرنے کا مختار ہوگا۔ اور مقدمہ مذکورہ کیلئے کل وقتی یا جزوی کارروائی کیلئے کسی دیگر وکیل یا مختار قانون کو اپنے ہزارہ یا اپنے بجائے تقریر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ اختیارات حاصل ہوں گے، اور اس کا ساختہ و پرداختہ منظور قبول ہوگا، بدوران مقدمہ جو خرچہ و ہر جانہ کسی بھی سبب سے حاصل ہوگا، وہ وکیل موصوف وصول کرنے کا حقدار ہوگا، کوئی تاریخ پیشی مقام مذکورہ بالا سے باہر ہو، تو وکیل صاحب پیروی مقدمہ کرنے کے پابند نہ ہوں گے، مقدمہ کسی عدالت میں بعدم پیروی خارج ہونے یا ڈگری یکطرفہ ہونے کے صورت میں وکیل صاحب ذمہ دار نہیں ہوں گے،

لہذا کالت نامہ لکھ دیا کہ سندر ہے

مقام **کمپ کورٹ سوات** کے لئے منظور ہے۔

محمد رحمان ولد الحاجرز خان ایپیلانٹ

ایڈوکیٹ دستخط:

المرقوم: 7/3/018

816

No: 821 /E.B

Dated: 07/03/2018

From: Office of the District & Sessions Judge/
Zilla Qazi, Swat

To: Mr. Yousaf Khan, Advocate
District Courts, Swat.

SUBJECT: APPOINTMENT AS PAUPER COUNSEL.

Memo:

I am directed to inform you that you have been appointed as Pauper Counsel at State Expenses to pursue the case of applicant Mr. Muhammad Rahman in Service Tribunal, Camp Court at Swat vide Minutes of the Meeting of District Legal Empowerment Committee, Swat held on 22/02/2018.

Sd/-

SUPERINTENDENT

To: District & Sessions Judge/
Zilla Qazi, Swat.

OFFICE OF THE DISTRICT & SESSIONS JUDGE/ZILLA QAZI, SWAT

Endst: No. 822-24 /E.B

Dated: 07/03/2018

Copy forwarded for information to:

1. The Chairman Service Tribunal, K.P.K. Camp Court at Swat.
2. The Director, Human Rights' Cell, Peshawar High Court, Peshawar with reference to his letter No. 1669/HRC dated 28/02/2018.
3. Mr. Muhammad Rahman S/O Amroz Khan, R/O Mohallah Faiz Abad, Alpurai, District Shangla.

Sd/-

SUPERINTENDENT
To: District & Sessions Judge/
Zilla Qazi, Swat.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 585 /ST

Dated 19 /03/2018

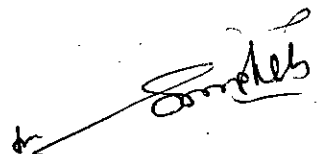
To

The Director Higher Education,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: **ORDER/JUDGEMENT IN APPEAL NO. 1230/2016, MR. MUHAMMAD RAHMAN/**

I am directed to forward herewith a certified copy of Judgment/Order dated 08/03/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


**REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.**

departmental appeal of the appellant. Copy of departmental appeal is attached as Annexure "D".

Hence, the appeal is filed inter-alia, on the following grounds:-

GROUND:-

- a. That the act of respondents in issuing of impugned seniority list is illegal, unlawful, without lawful authority, without jurisdiction, perverse, discriminatory and against the principle of natural justice, hence liable to be set aside.
- b. That the respondents are bound to act according to law, rules and policies already exists. It is universally accepted principle of law that when law prescribe something which is to be done in a particular that must be done in same manner and not otherwise. A proper procedure has been prescribed in the law on the subject which has been violated by respondents and issued a void seniority list which is liable to be rectified.
- c. That the appellant is senior than other junior clerks in all respects and the act of respondents